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THE
LAWS OF WISCONSIN

JOINT RESOLUTIONS AND MEMORIALS

PASSED AT THE BIENNIAL SESSION OF THE
LEGISLATURE, 1903

WITH

**Post-Office Addresses of the Circuit and Superior Judges and
Times and Places for Holding Circuit and Superior Courts**

AND

*Table Showing the Sections of the Wisconsin Statutes of
1898 and Laws of Previous Sessions Amended
by the Laws of 1899, 1901 and 1903*

Published by Authority

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LAWS OF WISCONSIN, 1903.

No. 6, S.]

[Published March 7, 1903.

CHAPTER 1.

AN ACT to repeal the acts establishing a superior court for Milwaukee county and providing for the transfer of causes and proceedings pending therein to the circuit court for the second judicial circuit.

The people of the state of Wisconsin, represented in senate and assembly do enact as follows:

Division of actions from superior to circuit courts. SECTION

1. On and after the first Monday in May, 1903, all actions, causes, pleadings, process and proceedings which may be pending in the superior court for Milwaukee county shall be divided as follows: All of said actions, causes, pleadings, process and proceedings which bear or have an even record number shall on said day be transferred, returnable and continue to and become actions and proceedings in the circuit court of the second judicial circuit and all such actions and proceedings shall on and after that date be deemed and treated as pending in said circuit court for all purposes, to the same extent and with the same effect as if such actions and proceedings had been originally commenced and had in said circuit court; and all motions, orders, writs and proceedings then pending in said superior court in any such actions or proceedings bearing an even record number shall be heard, executed and disposed of in and by said circuit court, which court shall also have power and authority to issue writs of execution and other final process and make such orders and exercise and use such other powers and proceedings as may be in accordance with law, to enforce the previous orders and judgments of said superior court in any such actions

or proceedings. All other actions and proceedings pending in said superior court except only those bearing and having an even record number shall continue and remain in said superior court together with all new actions commenced therein on or after the first Monday in May, 1903, and be subject to the jurisdiction thereof.

Superior court presided over by one judge. SECTION 2. All of the provisions of law relating to the practice in and power, authority and jurisdiction of the superior court for Milwaukee county or the judge thereof, and the power, authority and jurisdiction of said court and the judges thereof as heretofore exercised are hereby continued in full force except only that said superior court on and after the first Monday in May, 1903, shall be presided over by but one judge, which judge shall be the one whose term commenced on the first Monday in January, 1900. It being the true intent and meaning of this act that on and after the first Monday in May, 1903, the power, authority and jurisdiction of the superior court for Milwaukee county shall remain and be vested in and said court shall be presided over by one judge only. The jurisdiction, power and authority of both of the judges of the superior court to continue, however, until the first Monday in May, 1903.

Time of expiration of. SECTION 3. Upon the expiration of the term of the judge of said superior court which expires on the first Monday in January, A. D. 1906, the said superior court shall cease to exist and all acts or parts of acts or provisions of law relating thereto shall be and hereby are repealed, such repeal to take effect from and after the day of the expiration of said term.

Transfer of actions, etc., to circuit court. SECTION 4. On and after the first Monday in January, A. D. 1906, all actions, causes, pleadings, process and proceedings which may be pending in the superior court for Milwaukee county and the jurisdiction of said court whether original or appellate shall on said day be transferred, returnable and continue to, and become actions and proceedings in the circuit court of said second judicial circuit and all such actions and proceedings shall on and after that day be deemed and treated as pending in said circuit court for all purposes to the same extent and with the same effect as if such actions and proceedings had been originally commenced and had in said circuit court; and all motions, orders, writs and proceedings then pending in said superior court in

any and all actions and proceedings shall be heard, executed and disposed of in and by said circuit court, which court shall also have power and authority to issue writs of execution and other final process and make such orders and use such other powers and proceedings as may be in accordance with law to enforce the previous orders and judgments of said superior court in any such actions or proceedings.

Appeals from justice courts, where tried. SECTION 5. On and after the first Monday in January, A. D. 1906, all writs to or appeals from courts held by justices of the peace in Milwaukee county in civil actions and proceedings shall be returnable to and be heard, tried and determined by the circuit court for said second judicial circuit, and all such appeals pending, or returnable before the superior court for Milwaukee county shall be transferred and returnable to said circuit court.

Intent of law. SECTION 6. All acts or parts of acts in conflict with the provisions of this act are hereby repealed. It being the true intent and meaning of this act that on and after the first Monday in January, A. D. 1906, the superior court for Milwaukee county shall cease to exist, and all of its jurisdiction, power and authority and all matters pending therein shall on said day be transferred to continue in and become actions and proceedings in the circuit court for Milwaukee county and subject to the authority and jurisdiction of said court.

Vacancy, how filled. SECTION 7. No election for a judge of the superior court for Milwaukee county shall be held after the passage and publication of this act. In case of a vacancy occurring in the office of judge of said court such vacancy shall be filled by appointment by the governor of Wisconsin to fill the unexpired term of the present incumbent or incumbents of the office of judge of said court.

SECTION 8. This act shall take effect and be in force from and after its passage and publication.

Approved Feb. 16, 1903.

No. 7, S.]

[Published March 3, 1903.

CHAPTER 2.

AN ACT to provide for two additional circuit judges for the second judicial circuit.

The people of the state of Wisconsin represented in senate and assembly, do enact as follows:

Election authorized. SECTION 1. The election of two additional circuit judges in and for the second judicial circuit is hereby authorized.

Special election. SECTION 2. A special judicial election shall be held in and for Milwaukee county on the first Tuesday of April, A. D. 1903, according to law for the election of one of said additional circuit judges.

Extent of term—compensation. SECTION 3. Such additional circuit judge then elected shall enter upon the discharge of his duties as such and hold his office for a term commencing on the first Monday in May, 1903, and ending on the day preceding the first Monday in January, A. D. 1910, and his successors shall be elected at the regular judicial election held in the last year of the preceding term and shall hold office for the term of six years, such term to commence on the first Monday in January succeeding such election. Such additional circuit judge shall receive the same compensation now received by the judges of the second judicial circuit, payable in the same manner as provided by chapter 377 of the laws of Wisconsin of 1897.

Additional judge. SECTION 4. The election of the other of said additional circuit judges hereby authorized shall be had at a judicial election to be held in Milwaukee county on the first Tuesday of April, A. D. 1905, according to law for the election of circuit judges.

Term and compensation. SECTION 5. Such other additional circuit judge so elected shall enter upon the discharge of his duties as such and hold his office for a term of six years, commencing on the first Monday in January, A. D. 1906, and his successor shall be elected at the regular judicial election held in the last year of the preceding term and he shall hold office

for the full term of six years, such term to commence on the first Monday of January succeeding such election; the additional circuit judge hereby authorized to be elected shall receive the same compensation now received by the judges of the second judicial circuit, payable in the same manner, as provided by chapter 377 of the laws of Wisconsin of 1897.

Court rooms, deputy, sheriffs and clerks provided. SECTION 6. The board of supervisors of Milwaukee county shall provide court rooms and suitable offices wherein each of said judges may discharge his duties as a judge at chambers. The sheriff of said county shall provide deputy sheriffs whose duty it shall be to preserve order in the court held by each of said additional circuit judges and such other duties as are usually required of deputy sheriffs, and the clerk of the circuit court for Milwaukee county shall furnish such court with a sufficient number of deputy clerks to keep the minutes of such court and do such other acts as are usually done and performed by deputy clerks, and said sheriff and clerk are hereby authorized to appoint such deputies not exceeding one to each of said judges, and such deputies shall be compensated the same as other deputies assigned to the performance of like duties.

Provisions of law to apply. SECTION 7. The provisions of chapter 2, laws of Wisconsin for 1899, shall apply hereto so far as the same are applicable.

Judges may act together; the presiding judge; majority to determine. SECTION 8. All of the circuit judges of said circuit may act together or separately as they may determine, and may divide and apportion the cases upon the calendar of the circuit court of said county in such manner as they may determine is best calculated to insure justice to the parties and expedite the business of said court; a majority of said judges shall have authority to apportion and divide the business of said court. In the event of said judges sitting in banc upon the trial or hearing of any case, proceeding or motion, the judge of said court having been longest a continuous member of said court shall be ex officio the presiding judge. The decision of a majority of the judges so sitting shall determine the ruling decision or judgment of said court, and in case of an equal division between said judges the relief prayed or asked shall be denied.

Prejudice, in event of. SECTION 9. In the event of the filing of an affidavit of prejudice of one or more of said judges in

any action or proceeding, pursuant to section 2625 of the Wisconsin statutes of 1898 as amended, the trial or hearing of any such action or proceeding and all proceedings therein shall be had before some one of the other of said judges of said circuit court against whom the cause complained of does not exist, if such there be. If there be no such judge of said circuit court, then some other judge may be called in or an order may be made changing the place of trial or hearing of said action or proceeding to some other county, as now by law provided.

SECTION 10. This act shall take effect and be in force from and after its passage and publication.

Approved Feb. 16, 1903.

No. 4, S.]

[Published March 3, 1903.

CHAPTER 3.

AN ACT authorizing cities of the first class to acquire easements for viaducts, bridges, etc., by gift, grant or purchase and to provide for a joint use of the same.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Easements acquired for viaducts and bridges. SECTION 1. Every city of the first class is hereby authorized and empowered to acquire easements for viaducts, bridges, subways and tunnels by gift, grant or purchase and by contract to provide for a joint use of the surface of the ground included within such easement with the owners thereof.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved Feb. 28, 1903.

No. 5, S.]

[Published March 3, 1930.

CHAPTER 4.

AN ACT to amend section 1, of chapter 412, of the laws of 1901, entitled "An act relating to the distribution of bills introduced into the legislature and making an appropriation therefor."

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Disposition of senate and assembly bills. SECTION 1. Section 1 of chapter 412 of the laws of 1901 is hereby amended by adding the following: "It is also made the duty of the chief clerks of the senate and assembly to send copies of all bills, resolutions, joint resolutions, and memorials presented in the senate and assembly, and copies of the senate and assembly journals, and the proper appliances for filing them, to every Normal school, college and public library in Wisconsin when the secretary of the board of any such library shall make application for the same." So that said chapter 412 shall read as follows: Section 1. It is hereby made the duty of the chief clerks of the senate and assembly to send to each county clerk in this state copies of all bills, resolutions, joint resolutions and memorials introduced into the senate and assembly, respectively, and senate and assembly journals as soon as printed, and they shall at the time of sending the first of said bills also send the proper appliances for filing the same. It is also made the duty of the chief clerks of the senate and assembly to send copies of all bills, resolutions, joint resolutions, and memorials introduced into the senate and assembly, and copies of the senate and assembly journals, and the appliances for filing them to every Normal school, college and public library in Wisconsin when the secretary of the board of any such library shall make application for the same.

County clerk to file. SECTION 2. It is hereby made the duty of each county clerk in the state, to file the bills, resolutions, joint resolutions and memorials introduced into the legislature as fast as received and to keep the same on file in his office open to public examination and inspection.

Appropriation. SECTION 3. There is hereby appropriated out of the general fund a sum of money sufficient to carry out the provisions of this act.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved Feb. 28, 1903.

No. 33, A.]

[Published March 4, 1903.

CHAPTER 5.

AN ACT to amend section 1, chapter 439, laws of Wisconsin, 1901, relating to second grade certificates.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Certificate may be limited to one year. SECTION 1. Section 1 of chapter 439, laws of 1901, is hereby amended by adding after the word "date" in the twenty-seventh line the following: But the county superintendent may limit the same to one year and remove the limitation upon satisfactory evidence that the holder has successfully taught a public school in this state for at least six months.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 3, 1903.

No. 199, A.]

[Published March 4, 1903.

CHAPTER 6.

AN ACT to amend section 1, of chapter 22 of the laws of 1901, entitled "An act to amend section 1951 of the Wisconsin statutes of 1898" in relation to investments by domestic life insurance companies.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

May invest in municipal bonds, securities of railway or street railway; loans to policy holders. SECTION 1. Section 1, of

chapter 22 of the laws of 1901, entitled "An act to amend section 1951 of Wisconsin statutes of 1898," in relation to investments by domestic life insurance companies, is hereby amended by adding after the word "States," in the twenty-fifth line thereof, the words "organized territories of the United States, and the District of Columbia," so that said section, when so amended, shall read as follows: Section 1. Every such corporation organized under the laws of this state, may invest its funds and accumulations in stocks or bonds of the United States or of this state, or of any county, city, town or village, or duly organized school district therein, or in mortgages, being first liens on real estate worth at least twice the money loaned thereon, or in the mortgage bonds of any railway or street-railway company duly incorporated and organized under the authority of this state; and it may also make loans on the security of promissory notes, amply secured by pledge of any of the bonds in which such insurance corporations are hereby authorized to invest their funds, and every such corporation may not only loan to its policy holders, sums not exceeding one-half the annual premiums on their policies, upon notes to be secured by the policies of the persons to whom the loans may be made, but may also make loans upon the security of its own policies to an amount not exceeding ninety-five per cent. of the cash surrender value of each such policy at the time of making any loan; and such corporation may invest its funds in other states, organized territories of the United States, and the District of Columbia, on like securities and under the same restrictions as in this state. No life insurance corporation organized under the laws of this state shall issue policies insuring fire, marine, accident or live stock risks, or do any banking business.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 4, 1903.

No. 51, A.]

[Published March 7, 1903.

CHAPTER 7.

AN ACT relating to army nurses in the civil war of 1861-1865.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Army nurses given privileges and compensation. SECTION 1. Every person who has resided one year or more in Wisconsin, and who served at least ninety days as an authorized union army nurse between the 15th day of April, 1861, and the 4th day of July, 1865, shall upon due proof of the facts hereinbefore stated, be entitled to the same privileges and compensation as soldiers of the said civil war have to the following:

(1) To relief from the county fund for the benefit of indigent soldiers.

(2) To admission to the Wisconsin Veterans' Home at Wau-paca.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 7, 1903.

No. 11, A.]

• [Published March 9, 1903.

CHAPTER 8.

AN ACT to detach certain territory from the town of Grantsburg, Burnett county, and to create the town of Anderson.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Town of Anderson created. SECTION 1. All that certain territory now embraced in the town of Grantsburg, Burnett county, state of Wisconsin, described as follows, to-wit: Township thirty-seven north, of range nineteen west, and fractional

township thirty-seven north, of range twenty west, is hereby set off and detached from the said town of Grantsburg in said county, and is hereby created and constituted a separate town to be known and designated as the town of Anderson, in said Burnett county.

Assets and liabilities apportioned. SECTION 2. The assets and liabilities of the said town of Grantsburg to be apportioned to the said towns of Grantsburg and Anderson, shall bear the same ratio to the whole of said assets and liabilities of said town of Grantsburg, as the assessed valuation for the year 1902, of the taxable property of the above-described detached territory from the town of Grantsburg, respectively bears to that of the assessed valuation for the year 1902, of the whole of the taxable property of said town of Grantsburg, as shown by the assessment rolls for the said year 1902. On the fifteenth day of April, A. D. 1903, the town boards of the town of Grantsburg and of the town of Anderson shall meet together at the town hall of the town of Grantsburg and determine what portion of the indebtedness legally incurred by the old town of Grantsburg, shall be chargeable to the town of Grantsburg and to the town of Anderson, and shall also determine what portion of the credits of the old town of Grantsburg, each of the towns of Grantsburg and Anderson shall be entitled to.

Special election to be held. SECTION 3. The qualified electors of the said town of Anderson shall meet at the Grettum school house in school district number six, situated in township number thirty-eight north, of range number nineteen west, of the fourth principal meridian in the state of Wisconsin, on the first Tuesday of April, A. D. 1903, and at such town meeting in the manner provided by law, elect town officers for the said town of Anderson. For the purpose of such town election, the qualified voters in said town hall shall, between the hours of nine and eleven o'clock in the forenoon of said day, choose three of their number to act as inspectors, and two ballot clerks and two clerks of the election, and such inspectors and ballot clerks and clerks of election shall, before entering upon their respective duties, severally take the usual oath of office and file the same with their returns; and such inspectors shall respectively canvas and return the votes cast at such election in all respects as provided by law for inspectors at annual town meetings. And the qualified electors so assembled at the place aforesaid may vote for judicial officers, whether for justices of the supreme court, judge of the circuit court or county judge, or all

of them, and shall be counted, canvassed and returned in the same manner and shall have the same effect, as if the said town of Anderson was fully and completely organized.

Powers, when organized. SECTION 4. When such election shall have been held as herein provided and the town officers of the town of Anderson have qualified as required by law, the said town of Anderson shall be deemed, and shall be, duly organized and shall possess all rights, powers, privileges and liabilities of other towns in this state.

Authority of county board unabridged. SECTION 5. Nothing in this act shall be so construed as to abridge any of the powers of the county board of Burnett county to set off, organize, vacate or change the boundaries of said towns at any time hereafter in accordance with the powers conferred by law upon county boards.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved March 7, 1903.

No. 34, S.]

[Published March 10, 1903.

CHAPTER 9.

AN ACT to provide for the refunding of municipal debts.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Municipalities may refund debts when tax insufficient. SECTION 1. There shall be a section of the statutes of 1898 to be known as section 942c, as follows: Section 942c. Whenever any county, town, city, village or school district has heretofore contracted or may hereafter contract any general indebtedness, within the provisions of section 3, article 11, of the constitution, and within the five per cent. limitation, other than for special street, sewer or harbor improvements, and has inadvertently failed to provide or has not sufficiently provided for the collection of a direct annual tax, sufficient to pay such indebted-

ness, principal and interest, or may hereafter so fail, but such municipality has received or shall receive the consideration of such indebtedness, and the same has been or shall be applied to its use and benefit, it may refund any such indebtedness, or such portion thereof as may remain unpaid, by the issue of new evidences thereof, at the same or a less rate of interest, and exchange the same for evidences for such former indebtedness; or may issue negotiable bonds therefor at the same or a smaller rate of interest, running not to exceed twenty years, and may substitute said bonds for said indebtedness, or sell the bonds and pay the same.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 9th, 1903.

No. 422, A.]

[Published March 13, 1903.]

CHAPTER 10.

AN ACT to submit to the people an amendment to the constitution, relating to the number of justices of the supreme court and to provide for elections to fill vacancies in the office of justice of the supreme court.

Preamble. Whereas, The legislature of this state at the biennial session for the year 1901, proposed and adopted by a vote of the members elected to each of the two houses, an amendment to the constitution of this state (the same being in fact an amendment to section 4, of article 7 thereof as amended in 1877), the proposed amendment being in the following language:

Resolved, by the assembly, the senate concurring, That section 1 of article VII of the constitution be amended so as to read as follows:

Provisions of amendment. SECTION 1. The chief justice and associate justices of the supreme court shall be severally known as the justices of said court, with the same terms of office of ten years respectively as now provided. The supreme court

shall consist of seven justices, any four of whom shall be a quorum, to be elected as now provided, not more than one each year. The justice having been longest a continuous member of said court, or in case two or more such senior justices shall have served for the same length of time, then the one whose commission first expires shall be ex-officio, the chief justice.

Preamble. Whereas, The foregoing proposed amendment to the constitution was duly ratified and agreed to by the legislature of this state for the year 1903; and,

Preamble. Whereas, It is provided by section 9, of article 7 of the constitution that vacancies in the office of justices of the supreme court shall be filled by appointment of the governor, which shall continue until a successor is elected and qualified; therefore,

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

When to be submitted to people. SECTION 1. The proposed amendment to the constitution of this state shall be submitted to the people at an election to be held on Tuesday, the 7th day of April, 1903, and if the people shall approve and ratify said amendment by a majority of the electors voting thereon such amendment shall become a part of the constitution of this state.

Notice of submission, etc., to be as provided by law. SECTION 2. Notice of the submission of said question, the form of ballot, the conduct of the election and the canvass of the votes shall all be as provided in chapter 5 of the Wisconsin statutes of 1898, entitled "Caucuses, Electors and General Elections" and the submission and canvass shall be particularly as provided in section 39, 94d and 94t, as the last chapter was amended by chapter 97 of the laws of 1899.

Terms of additional justices. SECTION 3. In the event of the ratification of said proposed amendment by the people, one of the additional justices provided for shall be elected at the judicial election in April, 1904, and his term shall commence on the first Monday of January, 1905. The other additional justice provided for by the proposed constitutional amendment shall be elected at the judicial election in April, 1906, and his term shall commence on the first Monday of January, 1907.

Vacancy, how filled. SECTION 4. In the event that said proposed constitutional amendment shall be adopted and ratified by the people, section 94s, of the Wisconsin statutes of 1898, as amended by section 1 of chapter 7 of the laws of 1899, shall be amended by striking out in the seventh line thereof the words "justice of the supreme court or" and by adding at the end of said section 1 of chapter 7, the following: "In all cases of vacancy in the office of justice of the supreme court, the person appointed to fill such vacancy shall continue to hold his office until an election can be had in some year in which no other justice is elected pursuant to the constitution and laws of the state, and until his successor has been duly elected and qualified;" so that said section 94s shall in that event when so amended read as follows:

Section 94s. In all cases of vacancy in the office of circuit judge or county judge, the election to fill such vacancy shall be held on the first Tuesday of April next after the vacancy shall happen, in case such vacancy shall happen twenty days before such day; and if no election shall then be held for such purpose, or if the vacancy shall happen within twenty days next before said first Tuesday, then the election shall be held on the first Tuesday of April next thereafter. In all cases of vacancy in the office of justice of the supreme court, the person appointed to fill such vacancy shall continue to hold his office until an election can be had in some year in which no other justice is elected pursuant to the constitution and laws of the state and until his successor has been duly elected and qualified.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 12, 1903.

No. 128, A.]

[Published March 13, 1903.]

CHAPTER 11.

AN ACT to repeal chapter 470 of the laws of the state of Wisconsin for 1901, being an act relating to the cutting and shipment of ice from meandered lakes in the state of Wisconsin.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Former law repealed. SECTION 1. Chapter 470 of the laws of the state of Wisconsin for 1901 is hereby repealed.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 12, 1903.

No. 284, A.]

[Published March 18, 1903.]

CHAPTER 12.

AN ACT to amend section 1748 of the statutes of 1898 relating to powers conferred on corporations.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Powers conferred. SECTION 1. Subdivision 7 of section 1748 of the statutes of 1898 is hereby amended by striking out after the word "mortgage" in the first line thereof the words "its franchises" and inserting in lieu thereof the following words, to-wit: "all or any of the rights, privileges, authority and franchises, special, exclusive or otherwise, which have heretofore been or may hereafter be granted to or conferred upon it by any law of this state, and also its," so that said subdivision 7 of section 1748 when so amended shall read as follows: "7. To mortgage all or any of the rights, privileges, authority and franchises, special, exclusive or otherwise, which have heretofore been or may hereafter be granted to or conferred upon it

by any law of this state, and also its tolls, revenues and property, both real and personal, to secure the payment of its debts, or to borrow money for the purposes of the corporation, and no other, with the consent of a majority of its stockholders, or, if not a stock corporation, of a majority of its members, and to establish with a like consent, a sinking fund for the payment of its debts.”

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 14, 1903.

No. 120, S.]

[Published March 17, 1903.

CHAPTER 13.

AN ACT to amend the charter of Ripon college.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Corporate membership. SECTION 1. Section 1 of chapter 40 of the private and local laws of 1855, as amended by section 1 of chapter 220 of the private and local laws of 1864, is hereby amended so as to read as follows: Ezra L. Northrop, Jedediah Bowen, Jeremiah W. Walcott, Silas Hawley, Dana Lamb, Bertine Pinbney, Charles H. Camp, Harvey Grant, Sherlock Bristol, and the president of the collegiate faculty for the time being, and their successors shall be, and they are hereby created a body politic and corporate, to be styled the “Board of Trustees of Ripon College,” to remain in perpetual succession. The design and purpose of said corporation being, and the same is hereby declared to be, to found, establish and maintain at Ripon, in the county of Fond du Lac, an institution of learning of the highest order. And said trustees may erect any or all the different departments for the study of the liberal professions in such manner as they may think proper. Said corporation may from time to time, in its discretion, by resolution, add to or diminish the corporate membership; provided, however, that the number of members of the corporation shall never be fixed at less than fifteen, nor more than twenty-one, inclusive of the president of the corporation.

Membership divided into three classes. SECTION 2. Section 2 of chapter 40 of the private and local laws of 1855 is hereby amended so as to read as follows:

The board of trustees shall hold its first meeting at Ripon, within three months after the passage of this act and a majority of its members shall in all cases constitute a quorum for the transaction of business. At the first meeting, the trustees shall be divided by lot into three classes, the first and second class to consist of five members each; the third class of four members. They shall then appoint an annual meeting, the first to be held within one year thereafter, at which time, the office of the first class shall expire, and the office of each class shall expire annually thereafter in rotation forever. Should the corporate membership be increased or diminished, as provided in section one, such increase or decrease shall be assigned to the several classes, so as to keep them as nearly equal in numbers as may be.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 16, 1903.

Sub for No. 59, S.]

[Published March 7, 1903.

CHAPTER 14.

AN ACT to amend section 1482 of the statutes of 1898, relating to obnoxious and infectious animals running at large.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Not to run at large. SECTION 1. Section 1482 of the statutes of 1898 is hereby amended by striking out the word "two" in the first line of said section and substituting in lieu thereof the word "one," and by striking out the words "one year" in the second line of said section and substituting in lieu thereof the words "six months," and by inserting after the word "boar" in the second line of said section the words "nor ram," and by adding to the end of said section the words "although he escapes without the fault of such owner or keeper; and the construction of any fence enumerated in section 1390, shall not

relieve such owner or keeper from liability for any damage committed by an animal of the enumerated class, upon the enclosed premises of an adjoining owner," so that said section, as amended, shall read as follows: "Section 1482. No stallion over one year old, nor bull over six months old, nor boar nor ram, nor billy goat over four months old shall run at large; and if the owner or keeper shall, for any reason, suffer any such animal so to do he shall forfeit five dollars to the person taking it up and be liable in addition for all damages done by such animal while so at large, although he escapes without the fault of such owner or keeper; and the construction of any fence enumerated in section 1390 shall not relieve such owner or keeper from liability for any damage committed by an animal of the enumerated class upon the enclosed premises of an adjoining owner."

Conflicting laws repealed. SECTION 2. All acts or parts of acts conflicting or inconsistent with the provisions of this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 16, 1903.

No. 30, S.]

[Published March 17, 1903.

CHAPTER 15.

AN ACT enabling married women to assign or otherwise dispose, of their interests in policies of life insurance.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Married women may assign insurance policy. SECTION 1. Any married woman may, with the written consent of the person effecting the insurance, assign, encumber or dispose of any right, title or interest she may have in, to or under any policy of life insurance, whether on the life of herself or of her hus-

band, or of any other person, and whether such policy be expressed to be for the benefit of or assigned or made payable to such married woman, or any trustee for her, in the same manner and with like effect as if she were unmarried.

To whom applicable. SECTION 2. The provisions of this act shall apply to all insurance on lives, whether effected before or after the passage of this act, but shall not apply to assignments thereof heretofore made.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 16, 1903.

No. 17, S.]

[Published March 17, 1903.

CHAPTER 16.

AN ACT relating to physicians' fees in insanity matters, and amendatory of section 585d of the statutes of 1898.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Fees of judge and physicians; expense, how paid. SECTION 1. Section 585d of the statutes of 1898 is hereby amended by inserting after the word "appointment," in the ninth line of said section the following: "and in any contested matter arising under this chapter a fee of four dollars for each day he may be required by the county judge to attend before him on such examination," so that said section as so amended shall read as follows:

Section 585d. "The county judge, except of Milwaukee county, shall receive a fee of five dollars for the hearing of an application to commit a person alleged to be insane, which fee shall include the making of necessary copies of the order to commit such person and the commitment papers, together with the certificate required by section 585e, when the insane person is committed to the county asylum; and each of the examining physicians shall receive a fee of four dollars for his ex-

amination and certificate, and ten cents per mile for necessary travel in complying with the requirements of his appointment; and in any contested matter arising under this chapter a fee of four dollars for each day he may be required by the county judge to attend before him on such examination. All expense of the proceedings, from the presentation of the application to the actual commitment or discharge of the alleged insane person, whether such person is a resident or non-resident of the county in which the proceedings are had, shall be allowed and paid by the county from which such person is committed, in the same manner as the expense of a criminal prosecution in a justice's court are allowed and paid, and if any county is chargeable with some portion of the expense of maintaining such insane person so committed, such county shall pay the expense of such commitment, payment thereof to be enforced in the same manner that charges for the maintenance of such persons are enforced. If the insane person is a resident of any county in this state other than the county from which he was committed, the commitment shall not be invalid for that reason, and the county in which such person resides shall reimburse the county from which he was committed all lawful expenses of the examination and commitment paid by that county.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 16, 1903.

No. 2, A.]

[Published March 17, 1903.

CHAPTER 17.

AN ACT to appropriate twenty thousand dollars as a deficiency fund to complete buildings lately in process of erection at the Wisconsin Home for Feeble Minded; to furnish and equip the same for occupancy; and to adjust balances of expenses incurred in the erection and equipment of such buildings.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Building appropriations. SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of twenty thousand dollars to complete buildings lately in process of erection at the Wisconsin Home for Feeble Minded; to furnish and equip the same for occupancy; and to adjust balances of expenses incurred in the erection and equipment of such buildings.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 16, 1903.

No. 159, S.]

[Published March 18, 1903.

CHAPTER 18.

AN ACT to create a municipal court for Sawyer county.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Municipal court created. SECTION 1. There is hereby created and established in and for the county of Sawyer, a municipal court to be known and designated as "The municipal court of Sawyer county," with the powers and jurisdiction herein-after specified and provided.

Election and term of office. SECTION 2. On the first Tuesday of April, 1903, and every four years thereafter, there shall be elected in the county of Sawyer, in the same manner as county judges are elected, a municipal judge for said court who shall hold his office for the term of four years from the first Monday of May next following his election, and until his successor is elected and qualified, and in case of vacancy occurring in the office of municipal judge, the vacancy shall be filled by appointment by the governor, and the person appointed to fill such vacancy shall continue in office for the residue of the term for which his predecessor was elected or appointed. Provided that, at the first election under this act, ten days' notice shall be given in lieu of the notice provided for by section 94q of the statutes of 1898.

Qualification of judge. SECTION 3. No person shall be eligible to the office of judge of said municipal court, except an attorney of a court of record, and such judge shall hold no other county office during the term for which he was elected.

Oath of office; bond required. SECTION 4. The municipal judge before entering upon the duties of his office, shall take and subscribe the constitutional oath of office and file the same, duly certified, in the office of the clerk of the circuit court for said county and execute to the said county a bond in the sum of one thousand dollars, with two or more sureties to be approved by the chairman of the board of county supervisors of said county and recorded and filed as provided in section 702 of the statutes of 1898, conditioned for the faithful performance of the duties required of him by law and for the faithful application and payment of all moneys and effects that may come into his hands in the execution of the duties of his office.

Place of holding court. SECTION 5. The judge of the municipal court of Sawyer county shall hold his office at the county seat of said county in a suitable room for such purpose, to be provided by the board of supervisors of Sawyer county.

Powers and jurisdiction. SECTION 6. The municipal court of Sawyer county and the municipal judge thereof, shall have cognizance of and jurisdiction to hear, try and determine all actions and proceedings at law wherein the amount of debt, damages, demand, penalty or forfeiture shall not exceed the sum of five hundred dollars; actions to recover the possession of personal property with damages for the unlawful taking or

detention thereof, wherein the value of the property claimed shall not exceed the sum of five hundred dollars, exclusive of damages, actions founded on an account when the same shall be reduced to an amount not exceeding five hundred dollars, by credits given; to hear, try and determine all actions arising under chapter 145 of the statutes of 1898 when the amount claimed shall not exceed five hundred dollars. The said judge and court shall have jurisdiction of all crimes and misdemeanors occurring in said county, to the same extent and as fully as justices of the peace now or may hereafter have, and shall also have jurisdiction to institute and conduct examinations in all criminal cases that may occur in said county, including bastardy. Said judge shall have power and jurisdiction throughout said county to cause to come before him persons who are charged with committing any criminal offense, and to commit them to jail or bind them over to the circuit court, as the case may require. Said judge shall further have all the jurisdiction, authority, powers and rights given by law to justices of the peace, together with the power and right, in his discretion, to charge the jury, upon written charges; and said judge shall be subject to the same prohibitions and penalties as justices of the peace. No justice of the peace within said county shall exercise jurisdiction in any criminal cases, except misdemeanors, over which they shall have concurrent jurisdiction and power with said municipal court, and except that justices may, in the manner prescribed by law, issue warrants wherein the commission of a felony is charged, which warrants are to be made returnable before the said municipal judge, but all such jurisdiction is vested in said municipal court and the judge thereof. The proceedings and practice of said court shall, in all respects, be governed as far as practicable by the laws relating to justice's courts of this state, and transcripts of judgments of the municipal court may be filed and docketed with the clerk of the circuit court for said county, with the same effect as may be transcripts of judgments rendered by justices of the peace of said county, and appeals from said court in all cases, both in criminal and civil cases, and other proceedings may be taken in the same manner and with like effects as are provided by law from justice's courts. Nothing herein contained shall be construed to give the said municipal judge cognizance of any actions mentioned in subdivisions 1, 2, and 3 of section 3573, of chapter 154, of the statutes of 1898.

Judgment by confession may be entered. SECTION 7. A judgment by confession may be entered by the judge of said

court in any sum not exceeding one thousand dollars without action, whether for money due or to become due, or to secure any person against contingent liability on behalf of the defendant, or both, if a statement be made in writing, signed by the defendant and verified by his oath to the following effect: First. It must state the amount for which judgment may be entered and authorize the entry of judgment therefor by the judge of said court. Second. If it be for money due or to become due, it must state concisely the fact out of which the indebtedness arose and must show that the amount confessed therefor is justly due or to become due. Third. If it be for the purpose of securing the plaintiff against a contingent liability, it must state concisely the facts constituting the contingent liability and must show that the sum confessed does not exceed the same.

Substitute in case of sickness. SECTION 8. In case of sickness, absence or temporary disability of such judge, he may, by an order in writing to be filed in said court, appoint a justice of the peace in said county to discharge the duties of said judge during such sickness, absence or disability, who shall have the powers of such judge while administering such office.

Actions may be removed for prejudice. SECTION 9. No action, examination or other proceeding shall be removed from said court, but whenever it shall appear by affidavit that the municipal judge is interested, pecuniarily, in the action, examination or other proceeding, or that said judge is a material witness, or is within the forbidden degree of consanguinity, or from prejudice will not decide impartially in the matter, and the matter or proceeding is one of which a justice of the peace has jurisdiction, the municipal judge shall notify a justice of the peace in the county of Sawyer, not disqualified to try said case or to hear said examination or other proceeding as the case may be, whereupon it shall be the duty of said justice so notified as aforesaid, to forthwith appear at the court room of said municipal judge and to discharge the duties of judge of said municipal court in the trial of said case or the hearing of said examination or other proceeding in the same manner and with like effect as said municipal judge would if not disqualified to act, and the acts of said justice of the peace while so presiding over said municipal court shall have and be of the same force and effect as proceedings of said municipal judge and when such action, examination or other proceeding is concluded a like record as in other like cases shall be made in said

court and thereafter and thereupon execution may be issued as in other cases tried before said municipal judge. Said justice of the peace while presiding over said municipal court shall receive the same fees as are allowed by law to said justice of the peace for like services. And in matters or proceedings of which a justice of the peace has no jurisdiction when such affidavit is filed the municipal judge shall transfer the same to the circuit court of Sawyer county, which court shall thereupon have jurisdiction to hear, try and determine the same in the same manner and with like effect as if such action or proceeding had been begun in said circuit court.

Powers of judge as court commissioner. SECTION 10. The municipal judge of said county shall have and may exercise in his county all the powers and may perform all the duties of a court commissioner as defined in section 2434 of the statutes of 1898, and every authority granted to or limitation of the powers of a court commissioner by the laws of Wisconsin shall be construed to extend to said municipal judge acting in such capacity, except when otherwise expressly provided. The official designation of said officer in matters where he shall so act shall be "Judge of the municipal court of Sawyer county."

Trial by jury may be had. SECTION 11. Trial by jury may be had in such court in the same manner and process as in justices' courts.

Fees and liabilities of sheriffs. SECTION 12. Sheriffs and constables of Sawyer county shall have the same power to serve and execute process of this court as of justices' courts and shall be entitled to receive the same fees and shall be subject to the same liabilities and penalties as in justices' courts.

The court docket. SECTION 13. The judge of said court shall keep one docket for criminal trials and proceedings, and a separate docket for civil actions, and all docket entries and process shall be made and kept in the same manner, as far as is applicable to this court, as the same are required to be kept by justices of the peace under the laws of this state; provided, that in all civil actions, said municipal judge may sign in blank, summons and other process and deliver the same to attorneys of courts of record throughout the county to be issued by them as occasion may require, who, upon issuing any such summons, writ or other process, shall file within twenty-four hours thereafter the affidavit (if any) upon which such sum-

mons, writ or process was based, and a statement of the names of the parties to the action, the date of the summons, writ or process, the time when the same is returnable, and the nature of the demand or claim, upon which the said judge shall forthwith docket said case, which docket entries shall have the same force and effect as if made at the time of issuing the summons, writ or other process.

Compensation of judge; must file statement. SECTION 14. The salary of the judge of the municipal court of Sawyer county shall be fixed by the board of supervisors of Sawyer county and shall be paid out of the county treasury of Sawyer county in the same manner that the salary of other county officers is paid, and shall be in full for all services rendered in any criminal examination, trial or other criminal matters. He shall have the same fees and is empowered to tax and receive the same fees as allowed by law to justices of the peace, except as hereinafter provided and shall tax as costs the same fees in the same manner as in justices' courts. He shall pay into the county treasury monthly all fees received by him in any criminal matter, and may retain all fees received by him in any civil action. He shall file on the first day of November of each year with the county clerk of said county a statement of all fees paid by him to the county treasurer, and said statement shall be verified by him under oath. He shall also file with said clerk the statements required from other magistrates by sections 679 and 680, statutes of 1898.

Jurisdiction of court; appeals, how taken. SECTION 15. Said court shall have jurisdiction to try and determine all appeals in civil actions from justices of the peace of Sawyer county; provided, that in civil cases, appealable from the justices' judgments, the party appealing may, in his option, appeal to the circuit court of Sawyer county, instead of to said municipal court. And all such cases shall be certified and returned to said municipal court within ten days after the perfection of the appeal. Any action appealed to said court may be brought on for trial on notice of ten days given by either party to the other. In case neither party shall notice such appeal, or bring the same to trial within six months, the appeal shall be dismissed with ten dollars costs against the appellant. Appeals shall be made to such court in the same manner that they are now made from justice to circuit courts.

Fees fixed on appeals. SECTION 16. In appealed cases tried and determined in said court upon the record of the court be-

low, or any questions of law or fact appearing in such record, the judge of such court shall be entitled to receive the sum of ten dollars, and no more for his fees, and the prevailing party in appealed cases shall be entitled to recover the sum of five dollars as attorney's fees.

Appeals to circuit court. SECTION 17. Appeals from said municipal court shall be taken to the circuit court of Sawyer county, and when not otherwise provided, the law relating to appeals from justices' courts shall apply. The same affidavit and notice, in substance, shall be made and given as upon appeals from justices' courts.

Seal evidence in all courts. SECTION 18. The municipal judge may provide a seal for said court and all papers, depositions, certificates, acknowledgments, examinations and other documents executed or signed by said judge, when sealed with the seal of the court, shall be evidence in all courts and places in this state, and shall have the same effect as the seal of a court of record.

Records to be public. SECTION 19. The dockets and records of said municipal court shall be public records, open to the inspection of all persons at all reasonable hours.

Attorney's fees, how taxed. SECTION 20. In all actions in the municipal court for the county of Sawyer attorney's fees shall be taxed and allowed as provided in subdivision 4, of section 3775 of the statutes of 1898.

Notice of election by county clerk. SECTION 21. The county clerk of Sawyer county shall give the same notice of the election of said judge, as in other judicial elections.

Blanks, how furnished. SECTION 22. All necessary stationery and all blanks required by said court in civil and criminal actions and examinations, and judge's dockets required by law, shall be furnished at the expense of Sawyer county.

Phonographic reporter may be called in; compensation of. SECTION 23. It shall be lawful for the municipal judge to call in a phonographic reporter skilled in the art of shorthand reporting, to take testimony in any action, examination or other proceeding in the municipal court, and the reporter's notes so taken may be filled in lieu of the minutes of testimony required

by law to be taken by justices of the peace in like proceedings; provided, that in case of appeal in civil actions, said reporter, when requested by the appellant, shall file a transcribed copy of his notes verified by his oath which shall be returned as the testimony in the case, and the fees for transcribing said testimony not exceeding five cents per folio, shall be taxed as part of the judge's fees in the case. Said reporter shall receive such compensation for taking testimony as shall be fixed by the municipal judge not exceeding three dollars per day for each day's actual attendance on said court, which amount shall be taxed as costs in the case. In all criminal trials and proceedings said fees and per diem shall be certified, audited and paid out of the county treasury monthly; fees per diem shall be certified and audited by the certificate of the municipal judge, showing the title of the case and the amount due said phonographic reporter for services therein. Section 2439 of the statutes of 1898 shall apply to said reporter and said court.

Place and time of holding court. SECTION 24. The municipal judge of Sawyer county, whenever it shall appear to him to be for the best interests of all parties to do so, may appoint a time and place in any part of Sawyer county in which to hold court, for the purpose of holding an examination or trial or other proceeding and shall be entitled to receive, as a part of his compensation, his necessary and actual expenses in going to, returning from and attendance upon any criminal examination, trial or other process, to be paid out of the county treasury in the manner that other claims against said county are paid, and may tax the amount as a part of the costs in any civil action.

SECTION 25. This act shall take effect and be in force, from and after its passage and publication.

Approved March 17, 1903.

Sub. for No. 45, A.]

[Pub. March 23, 1903.]

CHAPTER 19.

AN ACT relating to the examination of applicants for admission to the bar and amendatory of section 2586 of the statutes of 1898.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Proof of practice required. SECTION 1. Subdivision 2 of section 2586 of the statutes of 1898, is amended, so that said subdivision two, when so amended shall read as follows:

2. All persons who shall have been admitted to practice in the supreme court of any other state or territory, and who shall be residents of this state, may be admitted, upon production of their certificates of admission to practice in such courts, upon satisfactory proof of their having been engaged in actual practice in such other state or territory for a period of at least two years prior to application for admission to courts of record of this state. Such proof may be the certificate of any judge of a court of record, under seal of such court, knowing the fact.

Who admitted to practice. SECTION 2. Subdivision 3, of said section 2586, is amended so that said subdivision three when so amended shall read as follows:

3. Every person of full age, who is a citizen of the United States, or has declared his intention to become such citizen as provided by law, and a resident of this state, of good moral character and otherwise qualified, may be admitted to practice in all of the courts of this state by the supreme court, upon the production of the certificate of the board of law examiners hereinafter mentioned, and such persons may be admitted to practice in all of the courts of this state, except the supreme court, by any circuit court in this state, upon the production of such certificate.

Board of examiners to be appointed. SECTION 3. Subdivision 6 of said section 2586, is amended so that said subdivision six when so amended shall read as follows:

6. The supreme court shall on or before the second Tuesday in August in the year 1903, appoint five competent resident attorneys, who shall constitute a board for the examination of ap-

plicants for admission to the bar of this state. One of such persons shall be appointed for one year, one for two years, one for three years, one for four years and one for five years. The supreme court shall, on or before the second Tuesday in August in each year, after 1903, appoint one member of said board, who shall hold his office for five years and said court may at any time fill such vacancies as may occur in said board. Three members of said board shall constitute a quorum. The supreme court shall, from time to time, make and adopt such rules and regulations relating to the qualifications of applicants for examination, the course of study to be pursued by such applicants and the standard of acquirements of such applicants to entitle them to admission to practice in the courts of this state and such other rules and regulations relating to the examination of applicants for admission to the bar as such court may deem necessary or desirable. The period of study necessary to enable the applicant to take the examination shall be at least three years. The board of examiners may adopt such rules, regulations and forms relating to holding and conducting its meetings and its procedure as it may deem necessary. The board shall examine each question presented to each applicant on his written examination and his answer thereto and mark thereon the percentage to which such applicant is entitled by his answer, and within thirty days after such examination, return such questions and answers, with his percentage thereon, to such applicant. The board shall also within the time aforesaid, send to such applicant a detailed statement clearly stating the percentage to which such applicant is entitled upon each answer of his oral examination. There shall be paid out of the treasury to each such examiner a compensation not exceeding ten dollars per day and his actual and necessary expenses in going to, holding and returning from any such examination, also for time necessarily expended in the preparation of questions and the actual cost of procuring question books for oral examination, if they shall, in the judgment of the board, be necessary, to be fixed and certified by one of the justices of the supreme court. The state printer shall print such questions as may be necessary for conducting examinations.

Conflicting laws repealed. SECTION 4. All acts and parts of acts conflicting with the provisions of this act are hereby repealed.

Provided that all applicants for admission to the bar whose period of study has been two years or more, may take the ex-

amination at any time during the year 1903, so that the provision herein contained requiring study for three years shall not apply to such applicants.

SECTION 5. This shall take effect and be in force from and after its passage and publication.

Approved March 21st, 1903.

Sub. for No. 52, A.]

[Pub. March 23, 1903.

CHAPTER 20.

AN ACT relating to the issuance and form of process by justices of the peace and amendatory of section 3594 of the statutes of 1898.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Process, form of; summons signed in blank. SECTION 1. Section 3594 of the statutes of 1898, is hereby amended so as to read when amended as follows:

Section 3594. All process issued by a justice of the peace shall run in the name of the "State of Wisconsin," be dated on the day it is issued, be signed by the justice of the peace issuing the same, may be under seal or without seal and shall be directed to the sheriff or any constable of the proper county. Said process shall contain the names of the parties plaintiff and defendant, the name of the town, village or city and the county where the justice of the peace resides, and the day, hour, month and year of the return thereof. Justices of the peace may sign in blank any summons and deliver the same to any attorney duly authorized to practice law in Wisconsin, to be issued by such attorney as occasion may require, and upon the filing of such summons at any time before the same is returnable, with the justice of the peace having so signed the same, such justice shall forthwith docket the case and his docket entries shall have the same legal force and effect as if made at the time of issuing such summons; provided, that no summons, so issued by any attorney, under the provisions of this section, shall be valid unless said attorney shall endorse thereon his name or the

name of the firm of which he is a member, which endorsement shall be substantially in the following form: Issued by A. B., Plaintiff's attorney. Such summons shall be filed with said justice within twenty-four hours after service thereof, and upon failure to do so the action shall be dismissed.

SECTION 2. This act shall take effect and be in full force and effect from and after its passage and publication.

Approved March 19th, 1903.

No. 107, A.]

[Published March 23, 1903.]

CHAPTER 21.

AN ACT to amend section 290 of the statutes of 1898, relating to the Superintendent of Public Property and of Stationery.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Stationery, who entitled to. SECTION 1. Section 290 of the statutes of 1898, is hereby amended by inserting after the words, "State Veterinarian for his use," in the twenty-fifth line thereof, the following words: "To the State Supervisor of Inspectors of Illuminating Oils for his use," so that said section when so amended shall read as follows: "Section 290. The state stationery shall be deposited with the superintendent for safe keeping and distribution. He shall charge himself in the books of his office with all stationery purchased and received by him at cost price, and shall keep separate accounts with each office, body and institution to whom he shall furnish stationery. In addition to the stationery required by law to be furnished to the legislature and the lieutenant governor, the superintendent shall furnish all necessary stationery as follows, and to no others: To the governor or his private secretary or his office; to the secretary of state or his assistant for his office; to the chief clerk of the land office for his office; to the state treasurer or his assistant for his office; to the treasury agent for his office; to the attorney general or his assistant for his office; to the state superintendent or his assistant for his of-

rice; to the clerk of the supreme court for said court; to the secretary or librarian of the state historical society for its rooms; to the adjutant general or his assistant for his office; to the quartermaster general or his assistant for his office; to the secretary of the state board of agriculture for said board; to the railroad commissioner or his deputy for his office; to the insurance commissioner or his deputy for his office; to the secretary of the board of control for the use of said board; to the state librarian for the state library; to the commissioner of labor statistics for his office; to the superintendent of public property for his office; to the dairy and food commissioner for his office; to the commissioners of fisheries for their office; to the state fish and game warden for his office; to the forest warden for his use; to the secretary of the free library commission for their use; to the bank examiner or his deputy for his office; to the state veterinarian for his use; to the state supervisor of inspectors of illuminating oils for his use. No clerk or any state officer or any department of the state shall be permitted to receive any stationery unless on the written order of some of the persons above described.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 19th, 1903.

No. 182, A.]

[Published March 23, 1903.

CHAPTER 22.

AN ACT to amend section 3, chapter 440 of the laws of Wisconsin of 1901, relating to the slaughter and appraisement of animals.

The people of the state of Wisconsin, represented in senate and assembly do enact as follows:

SECTION 1. "Section 3 of chapter 440 of the laws of Wisconsin, of 1901, is hereby amended by inserting after the words "town board" in the 23rd line thereof, "or the state veterinarian or his assistant or any member of the live stock sanitary board," so that said section when amended shall read as fol-

laws: "Section 3 of chapter 440 of the laws of Wisconsin, 1901.

Slaughter and appraisement of animals. SECTION 3. Whenever the owner shall not exercise option and it shall be deemed necessary by the board to slaughter diseased animals, written notice shall be given to the owner, his agent or the person in charge of such animals, and to a justice of the peace in the county in which the animals may be, of the purpose to order the slaughter thereof, giving the number and description of the animals, and the name of the owner, if known. Such notice shall be entered on the docket of such justice, who shall immediately thereafter summon such owner, agent or possessor, and also three disinterested citizens of the county, not residents of the immediate neighborhood in which such animals are owned or kept, to appraise the value thereof. Such appraisers shall before entering upon the discharge of their duties, be sworn by such justice to make a true appraisement without prejudice or favor, of the value of such animals, and they shall certify in their return, that they have seen the appraised animals slaughtered. In making the appraisement of diseased animals, the appraisers shall determine their value in the condition, in which they are found at the time of appraisement; but the appraised value of no single animals shall exceed fifty dollars. If such appraised animals are slaughtered, said slaughter shall be made under the direction of the local health officer, or the chairman of the town board, or the state veterinarian, or his assistant, or any member of the live stock sanitary board. The owner of slaughtered animals shall receive no compensation for the same, until the live stock sanitary board is satisfied that the infected premises have been disinfected in such a manner as to prevent the further spread of disease."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 21, 1903.

No. 433, A.]

[Published March 25, 1903.]

CHAPTER 23.

AN ACT to amend section 1299i of chapter 52 of the statutes of 1898, relating to temporary logging highways.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

How laid; expenses and liability. SECTION 1. Section 1299i of chapter 52 of the statutes of 1898 is hereby amended by striking out all after the word "cease" in the twelfth line of said section to the word "such" in the twenty-first line of said section, so that said section when so amended shall read as follows: Section 1299i. Whenever one or more owners of any timbered land shall present to the supervisors of the proper town a written petition for the laying out of a temporary highway to give them access to such land or therefrom to a stream or railroad, and describe in such petition the land owned by him or them and also that over which they desire such highway laid, such supervisors shall proceed to lay out such highway in the manner in which public highways are laid out except as otherwise provided herein; they shall view the premises described and determine the necessity for laying out such highway for the purpose of removing saw logs, timber or lumber from the land, and the length of time such highway will be required, which time shall be stated in their order, and at the expiration thereof the highway shall cease. Such highways shall be public and all the expense of laying them, including all damages which may be awarded on account of taking land therefor, shall be paid to the supervisors by such petitioners, and shall be by him or them paid to the person in whose favor the award was made. Upon such payment being made the petitioners may enter upon, open and work such highways at their own expense and construct logging railroads thereon, subject to such restrictions and regulations as shall be made in writing by the supervisors, but no tree shall be cut thereon except such as it shall be necessary to remove to make a track or tracks. The petitioners for such highways shall be liable in damages for any injury resulting to persons or property on account of defects therein in the manner and to the extent that towns are liable for injuries caused by defective highways; such liability shall follow the ownership of

the lands for the benefit of which the highway was laid, and the town in which it was situated shall not be liable on account thereof.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 24, 1903.

No. 118, A.]

[Published March 25, 1903.

CHAPTER 24.

AN ACT to authorize St. Croix Falls Wisconsin Improvement Company, its successors and assigns, to build and maintain a dam across the St. Croix river at or near the village of St. Croix Falls, Polk county, Wisconsin.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Location of; purpose. SECTION 1. St. Croix Falls Wisconsin Improvement Company, its successors and assigns, are hereby authorized to build and maintain a dam across the St. Croix river, at such point as it or they may select, at or near the St. Croix Falls, so-called, in said river, for improving navigation on said river, and for developing water power therein for the purposes of manufacturing, generating electricity, supplying municipalities and their inhabitants with light, heat and power, and for any lawful purpose whatever.

Size; sluiceway; fishway; control of. SECTION 2. Said dam shall not exceed in height fifty (50) feet above low water mark at the point where said dam is built, provided, however, that flashboards may be used to a height of not exceeding four (4) feet above the crest of said dam, and provided, always, that said dam shall have a sluiceway, or other fixture, sufficient and so arranged as to permit the free passage of logs, timber and lumber around, through or over said dam, without unreasonable delay or hindrance, and available at all times when said river is at a driving stage and there are logs, timber or lumber to be passed, and provided, further, that there shall be erected and

maintained in or in connection with said dam, a sufficient fish-way so that the free passage of fish may not be obstructed.

The control of said dam, sluiceway and all other fixtures in connection therewith shall belong to said St. Croix Falls Wisconsin Improvement Company, its successors and assigns.

May dispose of water power. SECTION 3. Said St. Croix Falls Wisconsin Improvement Company, its successors and assigns, shall have the right to sell, lease, or otherwise dispose of the whole or any part of the water power created by said dam.

Powers conferred. SECTION 4. Said St. Croix Falls Wisconsin Improvement Company, its successors and assigns, for the purpose of acquiring any flowage rights it or they may deem necessary in carrying out the provisions of this act, may exercise all powers for such purposes conferred upon corporations by sections 1777 to 1777d, both inclusive, of the statutes of 1898 of the state of Wisconsin.

SECTION 5. The power to alter, amend or repeal this act is hereby reserved.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved March 24th, 1903.

No. 117, A.]

[Published March 25, 1903.

CHAPTER 25.

AN ACT to repeal chapter 224 of the laws of 1882, entitled "An act for the improvement of the St. Croix River."

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Law repealed. SECTION 1. Chapter 224 of the laws of 1882, entitled "An act for the improvement of the St. Croix river," is hereby repealed.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 24th, 1903.

No. 290, A.]

[Published March 25, 1903.]

CHAPTER 26.

AN ACT to authorize and empower the Antigo Island Club, a domestic corporation, its successors and assigns, to erect and maintain a dam across Pelican river in Oneida county, Wisconsin.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Location; purpose, and height of. SECTION 1. The Antigo Island club, its successors and assigns, is hereby authorized and empowered to construct, erect and maintain a dam across the Pelican river, at the outlet of Pelican lake, and near the quarter line on the south side of section eleven, township thirty-five north, of range ten east, in Oneida county, Wisconsin, for the purpose of protecting the fish in Pelican lake and for public navigation thereon, and holding the water in the lake to its natural height for yacht and boating purposes; said dam shall not exceed two feet in height nor raise the lake above its natural high water mark.

Fishway. SECTION 2. Said dam shall contain a good and sufficient fishway which will permit the certain and easy passage of fish up and down said Pelican river and in and out of said Pelican lake.

SECTION 3. The right of the legislature to repeal or amend this act at any time is hereby reserved.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 24, 1903.

No. 353, S.]

[Published March 24, 1903.]

CHAPTER 27.

AN ACT to provide for making nominations and for filing nomination papers for the office of Associate Justice of the Supreme Court for the term commencing on the first Monday of January, 1904, and for placing the names of the nominees for such office on the official ballot.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Nomination papers may be filed, when. SECTION 1. Whereas, Charles V. Bardeen, heretofore nominated for associate justice of the supreme court of the state of Wisconsin for the term commencing on the first Monday in January, 1904, died on the 20th day of March, 1903. Now, therefore, in order that a candidate or candidates may be hereafter nominated for such office, any law now existing to the contrary notwithstanding, it is provided that nominations may be made for such office in the manner provided in sub-division "3," section 30, statutes of 1898; provided further the nomination papers to be filed in the office of the secretary of state at any time before the hour of nine o'clock p. m., March twenty-eight, 1903, which office on that day shall be kept open until that hour for such purpose; provided further, nomination papers for candidates for such office filed prior to this act going into effect, shall be deemed effective to place in nomination the persons therein named as candidates.

Nominees to be placed upon the ballot. SECTION 2. In the year 1903, the names of all candidates for the office of associate justice of the supreme court of the state of Wisconsin, shall be certified to the several county clerks only as hereinafter provided. On the thirtieth day of March, 1903, the secretary of state shall certify to the several county clerks the names of all such candidates in the manner provided in section 33, statutes of 1898, in the case of new nomination papers. The county clerk of each county shall forthwith cause the names of such candidates to be published in the election notice provided by section 37, statutes of 1898, and printed upon the official ballot as provided by law, except that the nomination of Charles V. Bar-

deen shall be deemed nullified by his death, and his name shall not be printed upon the official ballot.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 24th, 1903.

No. 631, A.]

[Published March 27, 1903.

CHAPTER 28.

AN ACT to amend section 1 of chapter 443 of the laws of 1901, entitled "An act relating to cities, and fixing the terms of certain city officers."

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Annual election of. SECTION 1. Section 1 of chapter 443 of the laws of 1901 is hereby amended by adding thereto, the following: "Supervisors shall be elected annually and their term of office shall be for one year, unless otherwise provided for in cities operating under general or special charters."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 27, 1903.

No. 642, A.]

[Published March 27, 1903.

CHAPTER 29.

AN ACT to amend chapter 8 of the laws of 1903, entitled "An Act to detach certain territory from the town of Grantsburg, Burnett county, and to create the town of Anderson."

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

First election; time and place. SECTION 1. Section 3 of chapter 8 of the laws of 1903, entitled, "An Act to detach certain territory from the town of Grantsburg, Burnett county, and to create the town of Anderson," is hereby amended so as to read as follows: "Section 3. The qualified electors of the said town of Anderson shall meet at the Grettum school house in school district number six, situated in township number thirty-seven north of range number nineteen west, of the fourth principal meridian in the state of Wisconsin, on the first Tuesday of April, A. D. 1903, and at such town meeting in the manner provided by law, elect town officers for the said town of Anderson.

"For the purpose of such town election, the qualified voters in said town hall shall, between the hours of nine and eleven o'clock in the forenoon of said day, choose three of their number to act as inspectors, and two ballot clerks of the election, and such inspectors and ballot clerks shall, before entering upon their respective duties severally take the usual oath of office and file the same with their returns; and such inspectors shall respectively canvass and return the votes cast at such election in all respects as provided by law for inspectors at annual town meetings. And the qualified electors so assembled at the place aforesaid may vote for judicial officers, whether for justices of the supreme court, judge of the circuit court or county judge, or all of them, shall be counted, canvassed and returned in the same manner and shall have the same effect, as if the said town of Anderson was fully and completely organized."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 27th, 1903.

No. 102, S.]

[Published March 28, 1903.

CHAPTER 30.

AN ACT to compel the rebuilding and reconstruction of the railway bridges of the Chicago & Northwestern Railway Company and of the Chicago, Milwaukee & St. Paul Railway Company over the Yahara river in the city of Madison, and likewise to compel said city of Madison to rebuild and reconstruct its bridges over said river, so as to remove obstructions to the navigation of said river.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Railroad bridges to be reconstructed. SECTION 1. It shall be the duty of the Chicago & Northwestern Railway company and of the Chicago, Milwaukee & St. Paul Railway company, on or before the first day of May, 1904, to reconstruct the railroad bridges owned by them, respectively, over the Yahara river or Cat Fish creek, so called, in the city of Madison, Dane county, Wisconsin, in such manner as to raise the same and the tracks adjoining and over said bridges so that there shall be left between the bottom structure of said bridges, when so reconstructed, and the surface of the ordinary stage of water in said river or creek a space of at least eight feet, and so that there shall be left a lateral space or width of the stream under said bridges of at least thirty feet.

City bridges to be changed. SECTION 2. It shall be the duty of said city of Madison, on or before the first day of May, 1904, to so change, rebuild and reconstruct all bridges owned by said city and now spanning said Yahara river, as to raise or elevate the same so that there shall be left between the bottom structure of said bridges, when so reconstructed, and the surface of the ordinary stage of water in said river a space of at least eight feet, and so that there shall be left a lateral space or width of the stream under the said bridges of at least thirty feet.

Navigability to be restored. SECTION 3. Such reconstruction and raising of said railway tracks and bridges and of said city bridges, shall be so done for the purpose of restoring the public use and navigability of said river, which are now obstructed by said bridges.

Certificate to be filed. SECTION 4. This act shall be duly published and shall take effect and be in force from and after the filing, in the office of the secretary of state, of a certificate, signed by the governor, certifying that there has been filed in his office, a statement under oath, by the president of the Madison Park & Pleasure Drive association, showing to the satisfaction of the governor that there has been subscribed by the citizens of Madisons and others a sum of not less than fifteen thousand dollars for the improvement of said Yahara river and its banks, between said lakes Mendota and Monona.

Approved March 27, 1903.

No. 364, A.]

[Published March 28, 1903.

CHAPTER 31.

AN ACT to legalize the official acts of Thomas Marsh as a police justice for the village of Waunakee, Dane county, Wisconsin.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Official acts legalized. SECTION 1. The official acts of Thomas Marsh as a police justice within and for the village of Waunakee, Dane county, Wisconsin, as done and performed by him between the fourth day of April, A. D. 1899, and the twenty-fourth day of January, A. D. 1903, being the interval between the election of said Thomas Marsh to said office and the filing of his oath of said office with the clerk of the circuit court for Dane county, are hereby legalized and declared to be of as full force and effect to all intents and purposes as if he had filed his said oath of office within ten days after his election as provided by law.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 27, 1903.

No. 169, A.]

[Published March 28, 1903.

CHAPTER 32.

AN ACT amendatory of section 2331 of the statutes of 1898, relating to persons authorized to solemnize marriages.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Who may solemnize marriage. SECTION 1. Section 2331 of the statutes of 1898 is hereby amended by inserting after the words "justice of the peace," where they occur in the second line of said section, the words "police justice, municipal judge," so that said section when so amended shall read as follows: Section 2331. Marriages may be solemnized by any justice of the peace, police justice, municipal judge or court commissioner in the county in which he is elected or appointed, and throughout the state by any judge of a court of record, and by any ordained minister or priest in regular communion with any religious society and who continues to be such minister or priest.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 27, 1903.

No. 137, S.]

[Published March 28, 1903.

CHAPTER 33.

AN ACT granting to the United States jurisdiction over certain lands in Fond du Lac county.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Jurisdiction except for service of civil and criminal process.

SECTION 1. The consent of the state of Wisconsin is hereby given to the purchase, by the United States, of any tract or tracts of land in the city of Fond du Lac, and county of Fond

du Lac, within the state, for the site of and the erection of a federal building under the provisions of an act of congress, approved June 6, 1902, entitled, "An act to increase the limit of cost of certain buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes," and the state hereby cedes to the United States exclusive jurisdiction over such tract or tracts of land as shall be purchased for the purposes aforesaid, so long as the same shall be or remain the property of the United States, for all purposes except the service of civil or criminal process therein.

Lands exempt from taxes. SECTION 2. That the lands aforesaid, when so purchased, shall hereafter be exempt from all taxes and assessments levied or imposed under authority of the state, so long as the same shall remain the property of the United States.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 27, 1903.

No. 157, A.]

[Published March 28, 1903.

CHAPTER 34.

AN ACT to amend section 1529d of the statutes of 1898, relating to bonds of members of Soldiers' Relief Commission and to legalize bonds heretofore given.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Relief commission; appointment, terms, bond. SECTION 1. Section 1529d of Wisconsin statutes is hereby amended by inserting after the word "bond" in the twelfth line thereof the words "or each an individual bond," so that said section when so amended, shall read as follows:

"Section 1529d. Every county judge shall, on or before the second Monday in December after such report is made, appoint three residents of the county, at least two of whom shall be hon-

orably discharged union soldiers, one to serve three years, one to serve two years and one to serve one year from the date of appointment as "the soldiers' relief commission" of such county. Such commission shall be organized by the election of one of their number as chairman and one as secretary; said judge shall fill all vacancies for the unexpired term and after the expiration of the terms of those first appointed shall annually appoint one person as a member of such commission for the term of three years. He shall require the members of the commission to execute to the county a joint and several bond, or each an individual bond, with sufficient sureties to be approved by him, in a sum equal to the tax levied in the current year for expenditure by the commission; said bond or bonds shall be filed with the county clerk."

Individual bonds validated. SECTION 2. Every individual bond heretofore given by a member of any soldiers' relief commission as an intended compliance with section 1529d of the Wisconsin statutes shall have the same force and effect as if section 1 of this act had been in full force and effect at the time such bond was given.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 27, 1903.

No. 340, S.]

[Published March 28, 1903.]

CHAPTER 35.

AN ACT to provide that the commissioners of taxation shall be the state board of assessment for the taxation of express, sleeping car, freight line and equipment companies, and to amend section 3 of chapters 111, 112, 113, and 114 of the laws of 1899.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

State board of assessment, when to meet and levy tax. SECTION 1. Section 3 of chapter 111 of the laws of 1899 is hereby

amended to read as follows: Section 3. The commissioners of taxation, the first assistant commissioner of taxation and the second assistant commissioner of taxation shall be ex-officio a state board of assessment, and as such shall make an annual assessment of the property of express companies within the state for the purpose of levying and collecting taxes thereon as hereinafter provided. The secretary of the commissioner of taxation shall be the secretary of the board.

The said board shall meet at the capitol annually on the third Wednesday of August and continue in session from day to day unless adjourned for a longer time until their business is finished. The said board shall assess and levy a tax upon the property of any such express company within this state. The secretary of the board shall, by registered letter, give notice to the officer of such company attesting its report immediately after the filing thereof, of the time and place such company may appear and be heard in respect to the assessment to be made upon its property.

State board of assessment, when to meet and levy tax. SECTION 2. Section 3 of chapter 112 of the laws of 1899 is hereby amended to read as follows: Section 3. The commissioner of taxation, the first assistant commissioner of taxation and the second assistant commissioner of taxation shall be ex-officio a state board of assessment and as such shall make an annual assessment of the property of sleeping car companies within this state for the purpose of levying and collecting taxes thereon as hereinafter provided. The secretary of the commissioner of taxation shall be the secretary of the board.

The said board shall meet at the capitol annually on the third Wednesday of August and continue in session from day to day unless adjourned for a longer time until their business is finished. The said board shall assess and levy a tax upon the property of any such sleeping car company within this state. The secretary of the board shall, by registered letter, give notice to the officer of such company attesting its report immediately after the filing thereof, of the time and place such company may appear and be heard in respect to the assessment to be made upon its property.

State board of assessment, when to meet and levy tax. SECTION 3. Section 3 of chapter 113 of the laws of 1899 is hereby amended to read as follows: Section 3. The commissioner of taxation, the first assistant commissioner of taxation and the second assistant commissioner of taxation shall be ex-officio a

state board of assessment and as such shall make an annual assessment of the property of freight line companies within this state for the purpose of levying and collecting taxes thereon as hereinafter provided. The secretary of the commissioner of taxation shall be the secretary of the board.

The said board shall meet at the capitol annually on the third Wednesday of August and continue in session from day to day unless adjourned for a longer time until their business is finished. The said board shall assess and levy a tax upon the property of any such freight line company within this state. The secretary of the board shall, by registered letter, give notice to the officer of such company attesting its report immediately after the filing thereof, of the time and place such company may appear and be heard in respect to the assessment to be made upon its property.

State board of assessment, when to meet and levy tax. SECTION 4. Section 3 of chapter 114 of the laws of 1899 is hereby amended to read as follows: Section 3. The commissioner of taxation, the first assistant commissioner of taxation and the second assistant commissioner of taxation shall be ex-officio a state board of assessment and as such shall make an annual assessment of the property of equipment companies within this state for the purpose of levying and collecting taxes thereon as hereinafter provided. The secretary of the commissioner of taxation shall be the secretary of the board.

The said board shall meet at the capitol annually on the third Wednesday of August and continue in session from day to day unless adjourned for a longer time until their business is finished. The said board shall assess and levy a tax upon the property of any such equipment company within this state. The secretary of the board shall, by registered letter, give notice to the officer of such company attesting its report immediately after the filing thereof, of the time and place such company may appear and be heard in respect to the assessment to be made upon its property.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 27, 1903.

No. 150, S.]

[Published March 28, 1903.]

CHAPTER 36.

An ACT to change the boundaries of the towns of Crandon, North Crandon, Caswell and Wabeno, in Forest county, and to create from the territory of the towns of Crandon, North Crandon, Caswell and Wabeno, in Forest county, the towns of Hiles and Laona, and establishing the township system of school government therein.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Town of Hiles defined. SECTION 1. All that certain territory now embraced within the boundaries of the town of Crandon, in Forest county, to-wit: Townships thirty-seven, thirty-eight and thirty-nine north, of range twelve east, and all of that certain territory now embraced within the boundaries of the town of North Crandon, in said county of Forest, to-wit: Townships forty, forty-one and forty-two north, of range twelve east, is hereby set off and detached from said towns of Crandon and North Crandon, in said county of Forest, and is hereby created and constituted a separate town to be known and designated as the town of Hiles, in said Forest county.

Town of Laona defined. SECTION 2. All that certain territory now embraced within the boundaries of the town of Caswell in Forest county, to-wit: The north half (being sections one to eighteen inclusive) of township thirty-five and township thirty-six north, of range sixteen east, and all that certain territory now embraced within the town of Wabeno, in said Forest county, to-wit: Township thirty-five and thirty-six north, of range fourteen east, and the north half (being sections one to eighteen inclusive) of township thirty-five and township thirty-six north, of range fifteen east, is hereby set off and detached from said towns of Caswell and Wabeno, in said county of Forest, and is hereby created and constituted a separate town to be known and designated as the town of Laona, in said Forest county.

Territory detached. SECTION 3. All that certain territory within the boundaries of and embraced in the town of Caswell, in Forest county, Wisconsin, to-wit: The south half (being

sections nineteen to thirty-six inclusive) of township thirty-five north, of range sixteen east, is hereby set off and detached from the town of Caswell in said county, and is hereby attached to and made a part of the town of Wabeno, in said Forest county, Wisconsin.

Assets and liabilities apportioned. SECTION 4. The assets and liabilities of said town of Crandon to be apportioned to the said town of Hiles shall bear the same ratio to the whole of said assets and liabilities of said town of Crandon as the assessed valuation for the year 1902, of the taxable property of the above detached territory from the town of Crandon bears to that of the assessed valuation for the year 1902 of the whole of the taxable property of said town of Crandon, as shown by the assessment rolls for the said year 1902.

Assets and liabilities apportioned. SECTION 5. The assets and liabilities of the said town of North Crandon to be apportioned to the said town of Hiles shall bear the same ratio to the whole of said assets and liabilities of said town of North Crandon as the assessed valuation for the year 1902 of the taxable property of the above detached territory from the town of North Crandon bears to that of the assessed valuation for the year 1902 of the whole of the taxable property of said town of North Crandon, as shown by the assessment rolls for the said year 1902.

Assets and liabilities apportioned. SECTION 6. The assets and liabilities of the said town of Caswell to be apportioned to the said town of Laona shall bear the same ratio to the whole of said assets and liabilities of said town of Caswell as the assessed valuation for the year 1902 of the taxable property of the above detached territory from the town of Caswell and by this act made a part of the town of Laona, bears to that of the assessed valuation for the year 1902 of the whole of the taxable property of the said town of Caswell, as shown by the assessment rolls for the said year 1902.

Assets and liabilities apportioned. SECTION 7. The assets and liabilities of the said town of Caswell to be apportioned to the said town of Wabeno shall bear the same ratio to the whole of said assets and liabilities of said town of Caswell as the assessed valuation for the year 1902 of the taxable property of the above detached territory from the town of Caswell and attached to the town of Wabeno bears to that of the assessed valuation

for the year 1902 of the whole of the taxable property of said town of Caswell, as shown by the assessment rolls for the said year 1902.

Assets and liabilities apportioned. SECTION 8. The assets and liabilities of the said town of Wabeno to be apportioned to the said town of Laona shall bear the same ratio to the whole of said assets and liabilities of said town of Wabeno as the assessed valuation for the year 1902 of the taxable property of the above detached territory from said town of Wabeno bears to that of the assessed valuation for the year 1902 of the whole of the taxable property of said town of Wabeno, as shown by the assessment rolls for the said year 1902.

First town meeting, when and where held; appointment of inspectors. SECTION 9. The qualified electors of the town of Hiles shall meet at the office and store building of F. P. Hiles, near the sawmill now being constructed by said F. P. Hiles on section ten, in township thirty-seven north, of range twelve east, in said town of Hiles, on the day appointed by law for the holding of annual town meetings and the election of town officers in this state. The qualified electors of the town of Laona shall meet at Sargent's hall at Laona, located on the southwest quarter of the southwest quarter of section thirty, township thirty-six north, of range fifteen east, in said town of Laona, on the day appointed by law for the holding of annual town meetings and the election of town officers in this state. The qualified electors of said towns, respectively, shall at such town meeting in the manner provided by law elect town officers for the said respective towns, and for the purpose of said town election the qualified voters in each of said towns, respectively, shall between the hours of nine and eleven o'clock in the forenoon of said day choose three of their number to act as inspectors of the election, and such inspectors shall before entering on their respective duties severally take and file the usual oath of office and file the same with their returns, and such inspectors shall respectively canvass and return the votes cast at such election in all respects as provided by law for inspectors at annual town meetings. And the qualified electors so assembled at the respective places aforesaid may vote for judicial officers to be chosen on the same day and the votes cast for such judicial officers, whether for justices of the supreme court, judge of the circuit court or county judge, or all of them, shall be counted, canvassed and returned in the same manner and shall have the same effect as if said towns of Hiles and Laona were fully and completely organized.

When towns deemed organized. SECTION 10. When such election shall have been held as herein provided and the town officers of the respective towns required by law elected and such officers, respectively, have qualified, as required by law, the said towns of Hiles and Laona shall be deemed and shall be duly organized, and shall possess all the rights, powers, privileges and liabilities of other towns in this state.

Township system of school government established; board of directors. SECTION 11. The township system of school government shall be operative and in force in said towns of Laona and Hiles at and from the time this act goes into effect until such time as the same shall be abolished in the manner provided by law. The territory hereby detached from said towns of Caswell, Crandon, North Crandon and Wabeno shall, from the organization of said towns of Hiles and Laona, respectively, be completely severed from and independent of said towns of Caswell, Crandon, North Crandon and Wabeno, or any school district, joint school district, sub-district, or joint sub-district therein, for school purposes, and such detached territory shall be annexed or formed into such sub-districts in said towns of Hiles, Laona and Wabeno, respectively, as the board of school directors of said towns of Hiles, Laona and Wabeno shall respectively order. And the clerks of the various school districts and sub-districts, together with the clerks of the joint school districts and joint sub-districts, the school houses of which are situated in said towns, respectively, shall constitute the first board of directors in each of said towns, and they shall meet and organize within two weeks after the organization of each said town and hold their offices until the next annual meeting of the sub-districts of each said town.

Authority of county board not abridged. SECTION 12. Nothing in any of the provisions of this act, or any other act, shall be so construed as to abridge any of the powers of the county board of supervisors of Forest county to set off, organize, vacate or change the boundaries of any of the towns created by, or mentioned in, this act at any time hereafter in accordance with the powers conferred by law upon county boards by virtue of the laws of the state of Wisconsin.

Conflicting laws repealed. SECTION 13. Any and all acts or parts of acts in any manner conflicting with the provisions of this act are hereby repealed.

SECTION 14. This act shall take effect and be in force from and after its passage and publication.

Approved March 27, 1903.

No. 144, S.]

[Published March 30, 1903.

CHAPTER 37.

AN ACT relating to the duties, qualifications and salary of the state superintendent.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Qualifications; oath of office. SECTION 1. No person shall be eligible to the office of state superintendent of public instruction, who shall not, at the time of his election thereto, have taught or supervised teaching in the state of Wisconsin, for a period not less than five years, and who shall not, at such time, hold the highest grade of certificate which the state superintendent is by law empowered to issue. He shall, within twenty days after he receives notice of his election, and before entering upon the duties of his office, take and subscribe the constitutional oath of office, which shall be filed in the office of the secretary of state.

Supervisory duties generally. SECTION 2. He shall have general supervision over the common schools of the state, and it shall be his duty:

School work. 1. To ascertain, so far as practicable, the conditions of the public schools of the state; to stimulate interest in education; to spread as widely as possible, through public addresses, bulletins, and by conferences with school officers, teachers and parents, a knowledge of methods which may be employed to introduce desirable improvements in the organization, government and instruction of the schools:

School books. 2. To prohibit the use of sectarian books and sectarian instruction in the public schools; to advise in the se-

lection of books for school district libraries; to prepare as often as he shall deem necessary, a list of books suitable for school district libraries, and furnish copies of such lists to each town, village, or city clerk, or secretary of the board of education, and to each county or city superintendent, from which lists the above designated officers shall select and purchase all books for use in the school libraries of the state.

Educational meetings. 3. To attend such educational meetings and make such investigations as he may deem important, and such as may enable him to obtain information relating to the different systems of common schools in the United States, said information to be embodied in his biennial report to the state legislature.

Public sentiment. 4. To endeavor to arouse an intelligent interest among the people of the state in the general subject of industrial and commercial education, including manual training, agriculture, and domestic science, and to awaken and educate public sentiment for the suitable introduction of these subjects into the public schools, and to make such inspection and investigation as may be necessary for the intelligent supervision of the work therein.

Supervision. 5. To exercise general supervision over the establishment and management of county schools of agriculture and domestic science, manual training schools, county training schools for teachers, and the day schools for the deaf; to advise with the principals and local authorities thereof and to formulate courses of study for such schools; to embody in his biennial report or in special bulletins or circulars such statements, suggestions, and statistics as he may deem useful and for the information of the public.

Publications. 6. To revise, codify and edit the school laws from time to time, as circumstances may make necessary, and by lectures, circulars, correspondence, and public addresses, give the public information bearing upon the different systems of school organization and management, provided by law in this state; to prescribe rules and regulations for the management of school district libraries, and the penalty which may be imposed by district boards for any violation thereof; to prepare for the use of school officers suitable forms for making reports and conducting various proceedings necessary to the proper conduct of annual and special meetings; to prepare and publish

from time to time, as occasion may require, courses of study for ungraded, state graded, and free high schools, with such comments and instructions as may be deemed essential for an intelligent understanding thereof on the part of the school officers, teachers, and others interested; to compile, edit, and distribute to the schools annually, in pamphlet form, matter adapted to and suitable for the intelligent observance of Arbor and Bird day and of Memorial day; the printing of reports, pamphlets and circulars, published for any and all of these purposes, to be done by the state printer at the expense of the state.

Appeals. 7. To examine and determine all appeals, which by law may be made to him according to the rules regulating such matters, and to prescribe rules of practice in respect thereto, not inconsistent with law.

Educational works. 8. To collect in his office such school books, apparatus, maps, and charts, as may be obtained without expense to the state; to purchase at an expense not exceeding one hundred and fifty dollars in any one year, to be paid out of the state treasury, works and periodicals bearing upon the different phases of education.

School fund income. 9. To apportion and distribute the school fund income as provided by law.

Copies of record. 10. To make copies when required by any person so to do, of any papers deposited or filed in his office, and of any act or decision made by him, and to certify the same, provided he may demand therefor twelve cents per folio, which fee shall be paid into the state treasury.

Report. 11. To prepare in each even numbered year a report to be delivered by him to the governor on or before the thirty-first day of December, containing:

1. An abstract of all the common school reports received by him from the several county and city superintendents.

2. A statement of the condition of the common schools, the state graded schools, the city graded schools, the free high schools and independent high schools, the manual training schools, the schools established for the purpose of giving instruction in agriculture and domestic science, the county training schools for teachers, the day schools for the deaf, the state normal schools and the state university, and such other schools as may be hereafter established by law.

3. Statements of the receipts and disbursements of all school moneys.

4. Plans for the improvement and better management and organization of all common and other schools.

5. A statement of his official visits to educational institutions of any kind, and of the work done by the different inspectors and officers provided for by law, and employed by him in the performance of the duties of the office, for the biennial period.

6. All such other matters relating to his office and the school system of the state, as he shall deem expedient to publish.

Teachers' institutes. 12. To exercise supervision over the teachers' institutes held in the different counties of the state, and with the advice and consent of the institute committee of the board of regents of normal schools, publish from time to time a syllabus and outline of work suitable to be done therein.

Annual convention. 13. To hold at least one convention annually at a convenient and accessible point in the state, for the purpose of consulting and advising with the county superintendents in regard to the supervision and management of the public schools.

Other duties. 14. To perform all other duties imposed upon him by law.

Annual salary. SECTION 3. The state superintendent shall receive an annual salary of five thousand dollars.

Conflicting laws repealed. SECTION 4. Section 164 and 166, chapter 11, of the statutes of 1898, and all other acts or parts of acts conflicting with the provisions of this act, are hereby repealed.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 27, 1903.

No. 148, S.]

[Published March 30, 1903.

CHAPTER 38.

AN ACT granting to the United States jurisdiction over certain lands in Brown county.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Jurisdiction, except for service of civil and criminal process.

SECTION 1. The consent of the state of Wisconsin is hereby given to the purchase, by the United States, of any tract or tracts of land in the city of Green Bay, and county of Brown, within the state, for the site of and the erection of a federal building under the provisions of an act of congress, approved June 6, 1902, entitled: "An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes," and the state hereby cedes to the United States exclusive jurisdiction over such tract or tracts of land as shall be purchased for the purposes aforesaid, so long as the same shall be or remain the property of the United States, for all purposes except the service of civil or criminal process therein.

Land exempt from taxes. SECTION 2. That the lands, aforesaid, when so purchased, shall thereafter be exempt from all taxes and assessments levied, or imposed under authority of the state, so long as the same shall remain the property of the United States.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 27, 1903.

No. 548, A.]

[Published March 30, 1903.

CHAPTER 39.

AN ACT amendatory of section 1010, chapter 46, of the statutes of 1898, relating to the statistics of farm products; and section 335e, chapter 20, relating to publication of reports.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Statistics of farm products. SECTION 1. Section 1010, chapter 46, of the statutes of 1898 is hereby amended by inserting in the fourth line thereof, the words "sugar beets and other" after the word "potatoes" therein; in the fifteenth line of same section, insert after the words "milch cows, number and value" the words "other cattle than milch cows, number and value." In fifteenth and sixteenth lines strike out "of butter and cheese and number of pounds manufactured, of each preceding year" and insert in lieu thereof "horses of all ages, number and value; sheep and lambs, number and value; swine, four months old or over, number and value."

In line twenty-three of same section, strike out the words "secretary of state," and insert in lieu thereof the words "secretary of the state board of agriculture." In last line of section, after the word "county" add "and the number and value of animals."

Add to said section "The secretary of the state board of agriculture shall tabulate and publish such statistical reports, each year, in the annual report of such board of agriculture."

Section 335e, chapter 20 of the statutes of 1898, is hereby amended by striking out, in the fifth line thereof the words "four hundred," and inserting, in lieu thereof, the words "four hundred and fifty." So that when so amended the respective sections shall read as follows:

"Section 1010. It shall be the duty of the assessor of each town, village or city, at the time of making the annual assessment of property, to collect statistics in relation to the principal farm products as follows, to-wit: * Of wheat, corn, oats, barley, rye, flaxseed, potatoes, sugarbeets, and other root crops, and cranberries; the number of acres devoted to the cultivation of each respectively for the current year, and also the number of bushels of each respectively raised in the preceding year, except

sugar beets, which shall be given in tons; of apples, the number of acres in orchard, the number of trees of bearing age the current year, and also the number of bushels raised the preceding years; of strawberries, raspberries, blackberries, currant, and grapes, the number of acres of each the current year, and the number of bushels or pounds of each raised in the preceding year; of hops, tobacco, and flax fibre, the number of acres the current year, the number of pounds raised the preceding year; of cultivated grasses, the number of acres the current year, the number of tons raised the preceding year; of growing timber, the number of acres; of milch cows, the number and value; other cattle than milch cows, number and value; horses of all ages, number and value; sheep and lambs, number and value; swine, four months old or over, number and value; of clover and timothy, the number of acres of each harvested for seed the preceding year, and the number of bushels of each obtained therefrom.

And said assessor shall make duplicate certificates of such statistics, one of which he shall file in the office of the town clerk of his town, and the other with the clerk of his county, on or before the fifteenth day of August of the same year.

The county clerk shall on or before the fifteenth day of August of each year, forward to the secretary of the state board of agriculture to be kept in his office, a certificate of the aggregate number of acres and the amount of yield of each of said products, in his county, and the number and value of animals, as ascertained and compiled from the certificates of said assessor; and the secretary of the state board of agriculture shall tabulate and publish such statistical reports, each year, in the annual report of such board of agriculture."

Printing for board of agriculture. "Section 335e. There shall be printed annually five thousand copies of the report of the state board of agriculture, all of which shall be bound in cloth, and shall contain such matter pertaining to the agricultural industries of the state as shall be deemed important; provided the whole number of printed pages shall not exceed four hundred and fifty."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 27, 1903.

No. 537, A.]

[Published March 30, 1903.

CHAPTER 40.

AN ACT to amend chapter 249 of the laws of 1880, relating to the house of correction of Milwaukee county.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Maintenance and expense of. SECTION 1. Section one of chapter 249, laws of 1880, is hereby amended by striking out the words "the city of Milwaukee" where the same occur in the fourteenth line of said section, and inserting in lieu thereof the words: "each village or city in Milwaukee county;" and by striking out the words "the said city of Milwaukee," where the same occur in the nineteenth line of said section, and inserting in lieu thereof the words "such village or city," so that said section, when amended shall read as follows:

Section 1. Section six of chapter three hundred and eighteen of the private and local laws of 1855, as amended by section one of chapter one hundred and eighty-nine of the general laws of 1865, as amended by chapter 249 of the laws of 1880, is hereby amended so as to read as follows: Section 6. The expenses of maintaining said house of correction over and above all receipts for the labor of persons confined therein, and for the support of prisoners therein, whose support is not chargeable to said county of Milwaukee, shall be audited and paid by the said board of supervisors, yearly, at its annual meeting, and shall be raised, levied and collected as part of the ordinary expenses of said county of Milwaukee; and each village or city in Milwaukee county shall, on the first Monday of January in each and every year, pay to the county of Milwaukee the sum of one dollar and fifty cents per week per capita, for each and every person confined in the house of correction for the violation of any of the ordinances of such city or village during the preceding year.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 27, 1903.

No. 536, A.]

[Published March 30, 1903.

CHAPTER 41.

AN ACT to amend sub-section 67 of section 925 of the statutes of 1898, relating to the general charter law.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

SECTION 1. Subdivision 67, of section 925, statutes of 1898, is hereby amended by inserting therein and immediately after the word "person" in the third line of said sub-section, the words "so convicted or," so that said sub-section when amended shall read as follows:

Punishment. Section 925—67. Any person who is convicted in the police court of the violation of any ordinance may be sentenced to punishment by fine or imprisonment or both, and any person so convicted or convicted therein of any misdemeanor may be sentenced to pay a fine and the costs of the prosecution or be imprisoned in the county jail or house of correction, in the alternative, and when proper facilities for that purpose shall exist in the jail or house of correction the court may order the prisoner to be kept at hard labor during the term of his imprisonment, if he shall have the ability to labor.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 27, 1903.

No. 279, A.]

[Published March 30, 1903.]

CHAPTER 42.

AN ACT concerning corporations heretofore organized under chapter 146 of the laws of 1872, and to cure certain omissions in the organization thereof, and adding section 1772b to the statutes of 1898.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Curative provisions. SECTION 1. A new section is hereby created and added to the statutes of 1898, to be known and designated as section 1772b and which shall read as follows:

"Other Curative Provisions. Section 1772b. Whenever in the organization of corporations under chapter 146 of the laws of 1872, articles of association were made and adopted and signed by the persons forming such corporation, and there may have been a failure to make and record a verified copy thereof in the office of the register of deeds of the county in which such corporation is located, and such association, organization or corporation has in good faith carried on business and acted as a corporation for twenty-five years or more, such failure to make and record a verified copy of the articles of association shall not affect the validity of the corporation, but the same shall be a body corporate from and after the date of the making, adopting and signing of the articles of association, the same as though a verified copy had been duly made and recorded in the office of the register of deeds. Whenever any such corporation shall in good faith have attempted to change its corporate name, and shall in good faith have carried on and conducted its business under such changed name for a period of twenty-five years or more, and shall record its original articles of incorporation, or the copy thereof, with the register of deeds, of the county in which such corporation has its principal office, and in case the said original articles of incorporation, or a copy thereof, cannot be obtained, a certificate from the secretary of state showing that no such articles nor a copy thereof can be found in his office, its acts, doings and proceedings heretofore done or which shall hereafter be done in or under such changed name shall be as valid and binding and as good in law as though done in or under the name contained in its original articles of association."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 27, 1903.

No. 122, S.]

[Published March 30, 1903.

CHAPTER 43.

AN ACT to prescribe the standard measures for the use of the Babcock test in determining the per cent. of butter fat in milk or cream; to prevent the sale of incorrectly marked implements for use in the said test; and to prescribe the penalty for false determination by said Babcock test or otherwise.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Standard measures adopted for Babcock test. SECTION 1. In the use of the Babcock test, the standard milk measures or pipettes shall have a capacity of 17.6 cubic centimeters, and the standard test tubes or bottles for milk shall have a capacity of 2 cubic centimeters for each 10 per cent. marked on the necks thereof; cream shall be tested by weight and the standard unit for testing shall be 18 grams, and it is hereby made a misdemeanor to use any other standards of milk or cream measure where milk or cream is purchased by or furnished to creameries or cheese factories and where the value of said milk or cream is determined by the per cent. of butter fat contained in the same, or wherever the value of milk or cream is determined by the per cent. of butter fat contained in the same by the Babcock test.

Sale of false measure a misdemeanor. SECTION 2. Any manufacturer, merchant, dealer or agent in this state who shall offer for sale or sell a milk pipette or measure, test tube or bottle which is not correctly marked or graduated as herein provided shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as provided in section 4 of this act.

To under-read or over-read unlawful. SECTION 3. It shall be unlawful for the owner, manager, agent or any employee of a cheese factory, creamery, or condensed milk factory to manipulate or under-read or over-read the Babcock test or any other

contrivance used for determining the quality or value of milk or cream or to make any false determination by said Babcock test or otherwise.

Penalty prescribed. SECTION 4. Whoever shall violate any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by fine of not less than twenty-five dollars nor more than one hundred dollars for each and every offense, and in default of payment thereof shall be imprisoned in the county jail not less than thirty days nor more than sixty days.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 27, 1903.

No. 331, S.]

[Published March 31, 1903.

CHAPTER 44.

AN ACT for a tax on gifts, inheritances, bequests, legacies, devises and successions in certain cases.

The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:

Tax imposed on property of any kind transferred. SECTION 1. A tax shall be and is hereby imposed upon any transfer of any property, real, personal or mixed, or any interest therein, or income therefrom in trust or otherwise, to any person, association, or corporation, except corporations of this state organized under its laws solely for religious, charitable or educational purposes, which shall use the property so transferred exclusively for the purposes of their organization within the state in the following cases:

While a resident of state. (1.) When the transfer is by will or by the intestate laws of this state from any person dying possessed of the property while a resident of the state.

Property within state. (2.) When a transfer is by will or intestate law, of property within the state or within its jur-

isdiction and the decedent was a non-resident of the state at the time of his death.

Non-residents' property within state. (3.) When the transfer is of property made by a resident or by a non-resident when such non-resident's property is within this state, or within its jurisdiction, by deed, grant, bargain, sale or gift, made in contemplation of the death of the grantor, vendor or donor, or intended to take effect in possession or enjoyment at or after such death.

Transfer before or after passage of act. (4.) Such tax shall be imposed when any such person or corporation becomes beneficially entitled, in possession or expectancy to any property or the income thereof, by any such transfer whether made before or after the passage of this act, provided that property or estates which have vested in such persons or corporations before this act takes effect shall not be subject to the tax.

Transfer under power of appointment. (5.) Whenever any person or corporation shall exercise a power of appointment derived from any disposition of property made either before or after the passage of this act, such appointment when made shall be deemed a transfer taxable under the provisions of this act in the same manner as though the property to which such appointment relates belonged absolutely to the donee of such power and had been bequeathed or devised by such donee by will; and whenever any person or corporation possessing such a power of appointment so derived shall omit or fail to exercise the same within the time provided therefor, in whole or in part a transfer taxable under the provisions of this act shall be deemed to take place to the extent of such omission or failure, in the same manner as though the persons or corporations thereby becoming entitled to the possession or enjoyment of the property to which such power related had succeeded thereto by a will of the donee of the power failing to exercise such power, taking effect at the time of such omission or failure.

Basis of tax. (6.) The tax so imposed shall be upon the clear market value of such property at the rates hereinafter prescribed and only upon the excess of the exemptions hereinafter granted.

Primary rates, where not in excess of \$25,000. SECTION 2. When the property or any beneficial interest therein passes by any such transfer where the amount of the property shall exceed in value the exemption hereinafter specified, and shall not

exceed in value twenty-five thousand dollars the tax hereby imposed shall be:

One per centum, where. (1.) Where the person or persons entitled to any beneficial interest in such property shall be the husband, wife, lineal issue, lineal ancestor of the decedent or any child adopted as such in conformity with the laws of this state, or any child to whom such decedent for not less than ten years prior to such transfer stood in the mutually acknowledged relation of a parent, provided, however, such relationship began at or before the child's fifteenth birthday, and was continuous for said ten years thereafter, or any lineal issue of such adopted or mutually acknowledged child, at the rate of one per centum of the clear value of such interest in such property.

One and one-half per centum, where. (2.) Where the person or persons entitled to any beneficial interest in such property shall be the brother or sister or a descendant of a brother or sister of the decedent, a wife or widow of a son, or the husband of a daughter of the decedent, at the rate of one and one-half per centum of the clear value of such interest in such property.

Three per centum, where. (3.) Where the person or persons entitled to any beneficial interest in such property shall be the brother or sister of the father or mother or a descendant of a brother or sister of the father or mother of the decedent, at the rate of three per centum of the clear value of such interest in such property.

Four per centum, where. (4.) Where the person or persons entitled to any beneficial interest in such property shall be the brother or sister of the grandfather or grandmother or a descendant of the brother or sister of the grandfather or grandmother of the decedent, at the rate of four per centum of the clear value of such interest in such property.

Five per centum, where. (5.) Where the person or persons entitled to any beneficial interest in such property shall be in any other degree of collateral consanguinity than is hereinbefore stated, or shall be a stranger in blood to the decedent, or shall be a body politic or corporate, at the rate of five per centum of the clear value of such interest in such property.

Other rates; where in excess of \$25,000. SECTION 3. The foregoing rates in section two are for convenience termed the primary rates.

When the amount of the clear value of such property or interest exceeds twenty-five thousand dollars, the rates of tax upon such excess shall be as follows:

Rate where amount \$25,000 to \$50,000. (1.) Upon all in excess of twenty-five thousand dollars and up to fifty thousand dollars one and one-half times the primary rates.

Rate where amount \$50,000 to \$100,000. (2.) Upon all in excess of fifty thousand dollars and up to one hundred thousand dollars, two times the primary rates.

Rate where amount \$100,000 to \$500,000. (3.) Upon all in excess of one hundred thousand dollars and up to five hundred thousand dollars, two and one-half times the primary rates.

Rate where amount over \$500,000. (4.) Upon all in excess of five hundred thousand dollars, three times the primary rates.

Exemptions defined. SECTION 4. The following exemptions from the tax are hereby allowed:

Transfers totally exempt. (1.) All property transferred to corporations of this state organized under its laws solely for religious, charitable or educational purposes, which shall use the property so transferred exclusively for the purposes of their organization within the state shall be exempt.

\$10,000; \$2,000 exempt, when. (2.) Property of the clear value of ten thousand dollars transferred to the widow of the decedent, and two thousand dollars transferred to each of the other persons described in the first division of section two shall be exempt.

\$500 exempt, when. (3.) Property of the clear value of five hundred dollars transferred to each of the persons described in the second subdivision of section two shall be exempt.

\$250 exempt, when. (4.) Property of the clear value of two hundred and fifty dollars transferred to each of the persons described in the third subdivision of section two shall be exempt.

\$150 exempt, when. (5.) Property of the clear value of one hundred and fifty dollars transferred to each of the persons described in the fourth subdivision of section two shall be exempt.

\$100 exempt, when. (6.) Property of the clear value of one hundred dollars transferred to each of the persons and corporations described in the fifth subdivision of section two shall be exempt.

Tax to be a lien on property; where paid; when due. SECTION 5. Every such tax shall be and remain, a lien upon the property transferred until paid and the person to whom the property is so transferred and the administrators, executors and trustees of every estate so transferred, shall be personally liable for such tax until its payment. The tax shall be paid to the treasurer of the county in which the county court is situated having jurisdiction as herein provided; and said treasurer shall give, and every executor, administrator or trustee shall take duplicate receipts from him of such payment, one of which he shall immediately send to the secretary of state, whose duty it shall be to charge the treasurer so receiving the tax with the amount thereof, and to seal said receipt with the seal of his office, and countersign the same and return it to the executor, administrator or trustee, whereupon it shall be a proper voucher in the settlement of his accounts; but no executor, administrator or trustee shall be entitled to a final accounting of an estate, in settlement of which a tax is due under the provisions of this act, unless he shall produce a receipt so sealed and countersigned by the secretary of state, or a copy thereof certified by him, or unless a bond shall have been filed, as prescribed by section 9 of this act. All taxes imposed by this act shall be due and payable at the time of the transfer, except as hereinafter provided. Taxes upon the transfer of any estate, property or interest therein, limited, conditioned, dependent or determinable upon the happening of any contingency or future event, by reason of which the fair market value thereof cannot be ascertained at the time of the transfer, as herein provided, shall accrue and become due and payable when the beneficiary shall come into actual possession or enjoyment thereof.

Discount, rate of interest on deferred payments. SECTION 6. If such tax is paid within one year from the accruing thereof, a discount of five per centum shall be allowed and deducted therefrom. If such tax is not paid within eighteen months from the accruing thereof interest shall be charged and collected thereon at the rate of ten per centum per annum from the time the tax accrued; unless by reason of claims made upon the estate, necessary litigation or other unavoidable cause of delay, such tax shall not be determined and

paid as herein provided, in which case interest at the rate of six per centum per annum shall be charged upon such tax from the accrual thereof until the cause of such delay is removed, after which ten per centum shall be charged. In all cases when a bond shall be given under the provisions of section 9 of this act, interest shall be charged at the rate of six per centum from the accrual of the tax, until the date of payment thereof.

Powers of executors; where legacy not in money. SECTION 7. Every executor, administrator or trustee shall have full power to sell so much of the property of the decedent as will enable him to pay such tax in the same manner as he might be entitled by law to do for the payment of the debts of the testator or intestate. Any such administrator, executor or trustee having in charge or in trust, any legacy or property for distribution subject to such tax shall deduct the tax therefrom; and within thirty days therefrom shall pay over the same to the county treasurer, as herein provided. If such legacy or property be not in money, he shall collect the tax thereon upon the appraised value thereof, from the person entitled thereto. He shall not deliver or be compelled to deliver any specific legacy or property subject to tax under this act, to any person until he shall have collected the tax thereon. If any such legacy shall be charged upon or payable out of real property, the heir or devisee shall deduct such tax therefrom and pay it to the administrator, executor or trustee, and the tax shall remain a lien or charge on such real property until paid, and the payment thereof shall be enforced by the executor, administrator or trustee in the same manner that payment of the legacy might be enforced, or by the district attorney under section sixteen of this act. If any such legacy shall be given in money to any such person for a limited period, the administrator, executor or trustee shall retain the tax upon the whole amount, but if it be not in money, he shall make application to the court having jurisdiction of an accounting by him to make an apportionment if the case require it, of the sum to be paid into his hands by such legatees, and for such further order relative thereto as the case may require.

When debts proved against estate; secretary of state may refund, when. SECTION 8. If any debt shall be proved against the estate of the decedent after the payment of any legacy, or distributive share thereof, from which any such tax has been deducted, or upon which it has been paid by the person entitled to such legacy or distributive share, and such person is required

by the order of the county court having jurisdiction thereof on notice to the secretary of state to refund the amount of such debts or any part thereof, an equitable proportion of the tax shall be repaid to him by the executor, administrator or trustee, if the tax has not been paid to the county treasurer, or repaid by such treasurer or state treasurer, if such tax has been paid to him. When any amount of said tax shall have been paid erroneously into the state treasury, it shall be lawful for the secretary of state, upon satisfactory proofs presented to him of the facts, to require the amount of such erroneous or illegal payment to be refunded to the executor, administrator, trustee, person or persons who have paid any such tax in error, from the treasury; or the said secretary of state may order, direct and allow the treasurer of any county to refund the amount of any illegal or erroneous payment of such tax out of the funds in his hands or custody to the credit of such taxes, and credit him with the same in his quarterly account rendered to the secretary of state under this act. Provided, however, that all applications for such refunding of erroneous taxes shall be made within one year from the payment thereof, or within one year after the reversal or modification of the order fixing such tax.

Bond for payment of legacies not in possession. SECTION 9. Any beneficiary of any property chargeable with a tax under this act, and any executors, administrators and trustees thereof, may elect, within eighteen months from the date of the transfer thereof as herein provided, not to pay such tax until the person or persons beneficially interested therein shall come into the actual possession or enjoyment thereof. The person or persons so electing shall give a bond to the state in a penalty of three times the amount of any such tax, with such sureties as the county court of the proper county may approve, conditioned for the payment of such tax and interest thereon, at such time or period as the person or persons beneficially interested therein may come into the actual possession or enjoyment of such property, which bond shall be filed in the county court. Such bond must be executed and filed and a full return of such property upon oath made to the county court within one year from the date of such transfer thereof as herein provided, and such bond must be renewed every five years.

Bequests to executors for services. SECTION 10. If a testator bequeaths property to one or more executors or trustees in lieu of their commissions or allowances, or makes them his

legatees to an amount exceeding the commissions or allowances prescribed by law for an executor or trustee, the excess in value of the property so bequeathed, above the amount of commissions or allowances prescribed by law in similar cases, shall be taxable by this act.

Transfer of stock by foreign executors. SECTION 11. If a foreign executor, administrator or trustee shall assign or transfer any stock or obligations in this state standing in the name of a decedent or in trust for a decedent, liable to any such tax, the tax shall be paid to the treasurer of the proper county or the secretary of state on the transfer thereof. No safe deposit company, bank or other institution, person or persons holding securities or assets of a decedent, shall deliver or transfer the same to the executors, administrators or legal representatives of said decedent, or upon their order or request unless notice of the time and place of such intended transfer be served upon the secretary of state at least ten days prior to the said transfer; nor shall any such safe deposit company, bank or other institution, person or persons deliver or transfer any securities or assets of the estate of a non-resident decedent without retaining a sufficient portion or amount thereof to pay any tax which may thereafter be assessed on account of the transfer of such securities or assets under the provisions of this act unless the secretary of state of this state, shall set forth the name of the county treasurer as sent thereto in writing; and it shall be lawful for the said county treasurer or secretary of state personally or by representative to examine said securities or assets at the time of such delivery or transfer. Failure to serve such notice or to allow such examination or to retain a sufficient portion or amount to pay such tax as herein provided, shall render said safe deposit company, trust company, bank or other institution, person or persons, liable to the payment of the tax due upon said securities or assets in pursuance of the provisions of this act.

Jurisdiction of county court; petition for ancillary letters. SECTION 12. The county court of every county of the state having jurisdiction to grant letters testamentary or of administration upon the estate of a decedent whose property is chargeable with any tax under this act, or to appoint a trustee of such estate or any part thereof, or to give ancillary letters thereon, shall have jurisdiction to hear and determine all questions arising under the provisions of this act, and to do any act in relation thereto authorized by law to be done by a county

court in other matters or proceedings coming within its jurisdiction; and if two or more county courts shall be entitled to exercise any such jurisdiction, the county court first acquiring jurisdiction hereunder, shall retain the same to the exclusion of every other county court. Every petition for ancillary letters testamentary or ancillary letters of administration made in pursuance of the laws governing probate practice of a person to be cited as therein prescribed, and a true and correct statement of all the decedent's property in this state, and the value thereof; and upon presentation thereof the county court shall issue a citation directed to such county treasurer; and upon the return of the citation, the county court shall determine the amount of the tax which may be or become due under the provisions of this act, and his decree awarding the letters may contain any provisions for the payment of such tax or the giving of security therefor which might be made by such county court if the county treasurer were a creditor of deceased.

County court may appoint appraisers. SECTION 13. (1.)

The county court upon the application of any interested party, including the secretary of state, county treasurer, or upon his own motion, shall as often as, and whenever occasion may require, appoint a competent person as appraiser to fix the fair market value at the time of the transfer thereof of the property of persons whose estates shall be subject to the payment of any tax imposed by this act.

Transfer where tax imposed. (2.) Whenever a transfer of property is made upon which there is, or in any contingency there may be, a tax imposed, such property shall be appraised at its clear market value immediately upon the transfer or as soon thereafter as practicable. The value of every future or limited estate, income, interest or annuity dependent upon any life or lives in being, shall be determined by the rule, method and standard of mortality and value employed by the commissioner of insurance in ascertaining the value of policies of life insurance and annuities for the determination of liabilities of life insurance companies except that the rate of interest for making such computation shall be five per centum per annum.

Transfer where there is any contingent incumbrance. (3.)

In estimating the value of any estate or interest in property to the beneficial enjoyment or possession whereof there are persons or corporations presently entitled thereto, no allowance shall be made in respect of any contingent incum-

brance thereon, nor in respect of any contingency upon the happening of which the estate or property or some part thereof, or interest therein, might be abridged, defeated or diminished; provided, however, that in the event of such incumbrance taking effect as an actual burden upon the interest of the beneficiary, or in the event of the abridgement, defeat or diminution of such estate or property or interest therein as aforesaid, a return shall be made to the person properly entitled thereto of a proportionate amount of such tax in respect of the amount or value of the incumbrance when taking effect or so much as will reduce the same to the amount which would have been assessed in respect of the actual duration or extent of the estate or interest enjoyed. Such return of tax shall be made in the manner provided in section 8 of this act.

Transfer subject to any charge, estate or interest determinable by death. (4.) Where any property shall after the passage of this act be transferred subject to any charge, estate or interest determinable by the death of any person or at any period ascertainable only by reference to death, the increase of benefit accruing to any person or corporation upon extinction or determination of such charge, estate or interest shall be deemed a transfer of property taxable under the provisions of this act in the same manner as though the person or corporation beneficially entitled thereto had then acquired such increase of benefit from the person from whom the title to their respective estates or interests is derived.

Transfer subject to contingent trusts. (5.) When property is transferred in trust or otherwise, and the rights, interests or estates of the transferees are dependent upon contingencies or conditions whereby they may be wholly or in part created, defeated, extended or abridged, a tax shall be imposed upon such transfer at the highest rate which, on the happening of any of the said contingencies or conditions would be possible under the provisions of this act, and such tax so imposed shall be due and payable forthwith out of the property transferred, provided, however, that on the happening of any contingency whereby the said property or any part thereof is transferred to a person or corporation exempt from taxation under the provisions of this act or to a person taxable at a less rate than the rate imposed and paid, such person or corporation shall be entitled to a return of so much of the tax imposed and paid as is the difference between the amount paid and the amount which said person or corporation should pay under the provisions of this act with legal interest

from the time of payment. Such return of over-payment shall be made in the manner provided by section 8 of this act.

Transfer of contingent or defeasible estates in expectancy.

(6.) Estates in expectancy which are contingent or defeasible and in which proceedings for the determination of the tax have not been taken or where the taxation thereof has been held in abeyance shall be appraised at their full undiminished clear value when the persons entitled thereto shall come into the beneficial enjoyment or possession thereof without diminution for or on account of any valuation theretofore made of the particular estates for purposes of taxation upon which said estates in expectancy may have been limited. Where an estate for life or for years can be divested by the act or omission of the legatee or devisee, it shall be taxed as if there were no possibility of such divesting.

Duty and compensation of appraisers. SECTION 14. Every such appraiser shall forthwith give notice by mail to all persons known to have a claim or interest in the property to be appraised, including the county treasurer, and to such persons as the county court may by order direct, of the time and place when he will appraise such property. He shall, at such time and place, appraise the same at its fair market value, as herein prescribed, and for that purpose the said appraiser is authorized to issue subpoenas and to compel the attendance of witnesses before him and to take the evidence of such witnesses under oath concerning such property and the value thereof; and he shall make report thereof and of such value in writing, to the said county court, together with the depositions of the witnesses examined, and such other facts in relation thereto and to the said matter as the said county court may order or require. Every appraiser shall be paid on the certificate of the county court at the rate of three dollars per day for every day actually and necessarily employed in such appraisal, and his actual and necessary traveling expenses and the fees paid such witnesses, which fees shall be the same as those now paid to witnesses subpoenaed to attend in courts of record, by the county treasurer out of any funds he may have in his hands on account of any tax imposed under the provisions of this act.

Report of appraiser; county court to give notice. SECTION 15. (1.) The report of the appraiser shall be made in duplicate, one of which duplicates shall be filed in the office of the county court and the other in the office of the

secretary of state. Upon filing such report in the county court, the county court shall forthwith give twenty days' notice by mail to all persons known to be interested in the estate, including the county treasurer, of the time and place for the hearing in the matter of such report and the county court from such report and other proofs relating to any such estate shall forthwith at the time so fixed, determine the cash value of such estate and the amount of tax to which the same is liable, or the county court without appointing an appraiser upon giving twenty days' notice by mail to all persons known to be interested in the estate including the county treasurer, of the time and place of hearing, may at the time so fixed hear evidence and determine the cash value of such estate and the amount of tax to which the same is liable. If the residence or postoffice address of any person interested in any estate is unknown to the executor, administrator or trustee, notice of the hearing in the matter of the report of the appraiser or notice that the county court without appointing an appraiser will determine the cash value of an estate shall be given to all such persons by publication of such notice not less than three successive weeks prior to the time fixed for such hearing or determination in such newspaper published within the county as the court shall direct.

Insurance commissioner to value future estates, etc. (2.)

The commissioner of insurance shall on application of any county court determine the value of any such future or contingent estates, income or interests therein, limited, contingent, dependent or determinable upon the life or lives of the person or persons in being upon the facts contained in such appraiser's report or upon the facts contained in the county court's finding and determination and certify the same to the county court and his certificate shall be presumptive evidence that the method of computation adopted therein is correct.

Appeal from tax of county court. (3.) The secretary of state or any person dissatisfied with the appraisement or assessment and determination of such tax may apply for a rehearing thereof before the county court within sixty days from the fixing, assessing and determination of the tax by the county court as herein provided on filing a written notice which shall state the grounds of the application for a rehearing. The rehearing shall be upon the records, proceedings and proofs had and taken on the hearings as herein provided and a new trial shall not be had or granted unless specially ordered by the county court.

Notice of rehearing; appointment of guardian. (4.) The county court shall immediately give notice by mail upon the determination by him as to the value of any estate which is taxable under this act and of the tax to which it is liable to all parties known to be interested therein including the secretary of state. If, however, it appears at this or any stage of the proceedings that any of such parties known to be interested in the estate is an infant or an incompetent, the county court shall if the interest of such infant or incompetent is presently involved and is adverse to that of the other persons interested therein appoint a special guardian of such infant, but nothing in this provision shall affect the right of an infant over fourteen years of age or of any one on behalf of an infant under fourteen years of age to nominate and apply for the appointment of a special guardian of such infant at any state of the proceedings.

Re-appraisal of estate. (5.) Within two years after the entry of an order or decree of the county court determining the value of an estate and assessing the tax thereon, the secretary of state may if he believes that such appraisal, assessment or determination has been fraudulently, collusively or erroneously made, make application to the circuit judge of the judicial circuit in which the former owner of such estate resided for a re-appraisal thereof. The circuit judge to whom such application is made may thereupon appoint a competent person to re-appraise such estate. Such appraiser shall possess the powers, be subject to the duties, shall give the notice, and receive the compensation provided by sections 13 and 14 of this act. Such compensation shall be payable by the county treasurer out of any funds he may have on account of any tax imposed under the provisions of this act upon the certificate of the circuit judge appointing him. The report of such appraiser shall be filed in the circuit court for which he was appointed and thereafter the same proceedings shall be taken and had by and before such circuit court as herein provided to be taken and had by and before the county court. The determination and assessment of such circuit court shall supersede the determination and assessment of the county court and shall be filed by such circuit court in the office of the secretary of state and a certified copy thereof transmitted to the county court of the proper county.

Duties of county treasurer; county judge and district attorney, where tax is unpaid. SECTION 16. If the treasurer of any county shall have reason to believe that any tax is due and un-

paid under this act after the refusal or neglect of any person liable therefor to pay the same, he shall notify the district attorney of the county in writing of such failure or neglect and such district attorney if he have probable cause to believe that such tax is due and unpaid, shall apply to the county court for a citation citing the person liable to pay such tax to appear before the court on the day specified not more than three months from the date of such citation and show cause why the tax should not be paid. The judge of the county court upon such application and whenever it shall appear to him that any such tax, accruing under this act, has not been paid as required by law, shall issue such citation and the service of such citation and the time, manner and proof thereof, and the hearing and determination thereof, shall conform as near as may be to the provisions of the laws governing probate practice of this state, and whenever it shall appear that any such tax is due and payable and the payment thereof cannot be enforced under the provisions of this act in said county court, the person or corporation from whom the same is due is hereby made liable to the county of the county court having jurisdiction over such estate or property for the amount of such tax, and it shall be the duty of the district attorney of said county in the name of such county to sue for and enforce the collection of such tax, and it is made the duty of said district attorney to appear for and act on behalf of any county treasurer, who shall be cited to appear before any county court under the provisions of this act.

Secretary of state to furnish books and blanks; entries on books by court. SECTION 17. The secretary of state shall furnish to each county court a book which shall be a public record, and in which he shall enter the name of every decedent whose estate is or may become liable for such tax, and upon whose estate an application to him has been made for the issue of letters of administration, or letters testamentary, or ancillary letters, the date and place of death of such decedent, the estimated value of the property of such decedent, the names, places, residence and relationship to him of his heirs at law, the names and places of residence of the legatees and devisees in any will of any such decedent, the amount of each legacy and the estimated value of any property devised therein, and to whom devised. These entries shall be made from the data contained in the papers filed on any such application, or in any proceeding relating to the estate of the decedent. The county court shall also enter in such book, the amount of the personal property of any such decedent, as shown by the

inventory thereof, when made and filed in his office, and the returns made by any appraiser appointed by him under this act, and the value of annuities, life estates, terms of years, and other property of any such decedent or given by him in his will or otherwise, as fixed by the county court, and the tax assessed thereon, and the amounts of any receipts for payment of any tax on the estate of such decedent, under this act filed with him. The secretary of state shall also furnish to each county, forms for the reports to be made by such county court, which shall correspond with the entries to be made in such books.

Report of county judges. SECTION 18. Each judge of county court shall on January, April, July and October first, of each year, make a report in duplicate, upon the forms furnished by the secretary of state, containing all the data and matters required to be entered in such books, one of which shall be immediately delivered to the county treasurer and the other transmitted to the secretary of state.

Report of county treasurer; tax to be paid to state. SECTION 19. Each county treasurer shall make a report, under oath, to the secretary of state on January, April, July and October first, of each year, of all taxes received by him under this act, stating for what estate and by whom and when paid. The form of such report may be prescribed by the secretary of state. He shall at the same time pay the state treasurer all the taxes received by him under this act and not previously paid into the state treasury, and for all such taxes collected by him and not paid into the state treasury within thirty days from the times herein required, he shall pay interest at the rate of ten per centum per annum.

Per centum of tax to be retained by county. SECTION 20. The county treasurer shall retain for the use of the county out of all taxes paid and accounted for by him each year under this act five per centum on the first fifty thousand dollars, three per centum on the next fifty thousand dollars and two per centum on all additional sums.

Composition or settlement of expectant estates, how affected. SECTION 21. The county treasurer with the consent of the secretary of state and the attorney general, expressed in writing, is authorized to enter into an agreement with the executor, administrator or trustee of any estate therein situate in which remainders or expectant estates have been of such a

nature or so disposed and circumstanced that the taxes therein were held not presently payable or where the interests of the legatees or devisees are not ascertainable under the provisions of this act, and to compound such taxes upon such terms as may be deemed equitable and expedient and to grant discharges to said executors, administrators or trustees upon the payment of the taxes provided for in such composition, provided, however, that no such composition shall be conclusive in favor of said executors, administrators or trustees as against the interests of such cestui que trust as may possess either present rights of enjoyment or fixed, absolute or indefeasible rights of future enjoyment, or of such as would possess such rights in the event of the immediate termination of particular estates, unless they consent thereto either personally when competent or by guardian. Composition or settlement made or affected under the provisions of this section shall be executed in triplicate and one copy shall be filed in the office of the secretary of state; one copy in the office of the judge of the county court in which the tax was paid; and one copy to be delivered to the executors, administrators or trustees, who shall be parties thereto.

Receipts of transfers; where recorded. SECTION 22. Any person shall, upon the payment of the sum of fifty cents, be entitled to a receipt from the county treasurer of any county, or the secretary of state, or at his option to a copy of a receipt that may have been given by such treasurer or secretary of state for the payment of any tax under this act, under the official seal of such treasurer or secretary of state, which receipt shall designate upon what real property, if any, of which any decedent may have died seized, such tax shall have been paid, by whom, and whether in full of such tax. Such receipt may be recorded in the office of the register of deeds of the county in which such property is situate in a book to be kept by him for that purpose, which shall be labeled "transfer tax."

Taxes, where paid and how applied. SECTION 23. All taxes levied and collected under this act, less any expenses of collection, shall be paid into the treasury of the state for the use of the state, and shall be applicable to the expenses of the state government, and to such other purposes as the legislature may by law direct.

Terms defined. SECTION 24. The word "estate" and "property" as used in this act shall be taken to mean the real and per-

sonal property or interest therein of the testator, intestate, grantor, bargainer, vendor or donor passing or transferred to individual legatees, devisees, heirs, next of kin, grantees, donees, vendees or successors, and shall include all personal property within or without the state. The word "transfer" as used in this act shall be taken to include the passing of property or any interest therein, in possession or enjoyment, present or future, by inheritance, descent, devise, succession, bequest, grant, deed, bargain, sale, gift or appointment in the manner herein prescribed. The word "decedent" as used in this act shall include the testator, intestate, grantor, bargainer, vendor or donor. The words "county treasurer" and "district attorney" as used in this act shall be taken to mean the treasurer and district attorney of the county of the county court having jurisdiction as provided in section 12 of this act.

Section 25. This act shall take effect and be in force from and after its passage and publication.

Approved March 27, 1903.

No. 22, A.]

[Published April 1, 1903.]

CHAPTER 45.

AN ACT to amend section 2454, of the statutes of 1898, relating to the fees of county judges.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Judges not to take fees. SECTION 1. Section 2454, of the statutes of 1898, is hereby amended so as to read, when amended, as follows: Section 2454. Every county judge is prohibited from taking or receiving, either directly or indirectly, any fees whatever for his official services in the administration of the estates of deceased persons, including proceedings to determine the descent of lands, and for certificates of title by descent, or in the appointment of guardians, or in the administration of their estates, except in the counties in which it is otherwise expressly provided by law. The judge of any county court which is not vested with civil jurisdiction shall be entitled to receive five dollars per day, to be paid from the

county treasury, for each day he shall be actually engaged in the examination of any person upon a criminal charge, or engaged upon any other matter, not appertaining to probate business, compensation for which is not otherwise provided.

Conflicting laws repealed. SECTION 2. All acts or parts of acts contravening or conflicting with the provisions of this act, are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 31, 1903.

No. 538, A.]

[Published April 1, 1903.

CHAPTER 46.

AN ACT to authorize cities of the first class to establish building lines along boulevards and pleasure ways, to condemn and cause to be removed and to prevent the erection of buildings and structures within such lines.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Common council may establish building lines; survey by city engineer. SECTION 1. Whenever the common council of any city of the first class, as classified by the statutes of 1898, shall by resolution decide that the establishment of building lines or the taking of the owner's right to build on any specified portion of his realty is necessary for the public use, such common council may establish building lines along and parallel with the street lines of any street or part of street or streets which has been or may be declared to be a boulevard or pleasure-way pursuant to law; such common council shall by further resolution fix the distance from the street lines at which such building lines shall be located and shall instruct the city engineer to make a survey and plat showing the location of the street lines and the building lines with reference to each other; the city engineer shall make such survey and plat and report the same to the common council and shall also further report

whether any building or other structure or obstruction is situate between the street lines and the building lines and give a particular description of the same and shall show the location thereof upon such plat.

Jury trial to be had. SECTION 2. Upon the coming in of the report and plat of the city engineer the common council shall direct by resolution that a jury be impaneled in the same manner now provided by law for impaneling juries in cases of laying out streets, to decide whether the establishment of the building line or the taking of the owner's right to build on the specified portion of his realty is necessary for the public use, and the same proceedings shall be had thereon, as are provided by law for laying out streets in such city.

Board of public works to make an assessment. SECTION 3. If the jury shall decide and report that the establishment of building lines or the taking of the owner's right to build on the specified portion of his realty is necessary for the public use, then the board of public works shall make an assessment of all benefits and damages that shall be caused by establishing such building lines, and the same proceedings shall be had in that behalf as are now prescribed by law for the assessment of benefits and damages in cases of proceedings to lay out streets within such city.

Persons aggrieved may appeal. SECTION 4. Any person aggrieved by the assessment of the board of public works may appeal therefrom in the same manner as in cases of proceedings for the laying out of streets in said city.

Damages and benefits, how paid and collected. SECTION 5. All damages in cases of damages assessed and awarded by the board of public works, shall be paid and all benefits assessed shall be collected in the manner provided by law in cases of laying out streets in said city.

District to be established. SECTION 6. In making assessments of benefits caused by laying out and establishing building lines in any case the board of public works shall before proceeding to make the assessment establish the district in which the property shall be benefited or injured by the establishment of such building lines.

Structures or obstructions may be removed. SECTION 7. Whenever any building line shall have been established and

damages assessed as herein provided, if any building or other structure or obstruction shall be situate between the building line and the street lines, the board of public works shall cause the same to be removed in the same manner prescribed by law for the removal of buildings or other obstructions in the opening of streets.

Buildings between lines unlawful. SECTION 8. After building lines have been established in any case as herein provided, it shall be unlawful for any person to erect any building, structure or other obstruction between such building lines and the street lines and if any person shall attempt so to do he may be prevented and restrained by the mayor, chief of police or board of public works of such city, or at the suit of any taxpayer of such city.

Conflicting laws repealed. SECTION 9. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

SECTION 10. This act shall take effect and be in force from and after its passage and publication.

Approved March 31, 1903.

No. 429, A.]

[Published April 1, 1903.

CHAPTER 47.

AN ACT to repeal chapter 180, private and local laws of 1866, and chapter 235, local laws of 1883, relating to abstract of tax sales in Shawano county.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Laws repealed. SECTION 1. Chapter 180, private and local laws of 1866, and chapter 235 of the laws of 1883, statutes of Wisconsin, are hereby repealed.

SECTION 2. This act shall take effect from and after the first Monday of January, 1905.

Approved March 31, 1903.

No. 407, A.]

[Published April 1, 1903.]

CHAPTER 48.

AN ACT to amend chapter 357 of the laws of 1891, entitled
“An act conferring additional jurisdiction on the county
court of Portage county.”

*The people of the state of Wisconsin represented in senate and
assembly do enact as follows:*

Jurisdiction of judge; temporary substitute. SECTION 1.
Section 1 of chapter 357 of the laws of 1891 is hereby amended
by adding at the end of said section the follows: “Provided
that upon presentation to the mayor of the said city of Stevens
Point of an affidavit made by the city attorney or by the chief
of police, or any policeman, of the said city, setting forth that
the judge of the said county court, by reason of sickness, ab-
sence or temporary disability is unable to act, the said mayor
shall by an endorsement in writing on said affidavit, designate
and appoint one of the justices of the peace of the said city to
hear, try and determine all actions arising under the charter
and ordinances of said city. Upon the filing of such affidavit
with him, the said justice so designated shall have jurisdiction
to hear, try and determine all such actions during such sick-
ness, absence or disability of said judge of said county court.
Such justice shall make his report, and pay over all fines col-
lected by him, in the manner provided by the charter and ordi-
nances of the said city of Stevens Point,” so that said section
when so amended shall read as follows: “Section 1. There
is hereby conferred upon the county court of Portage county,
jurisdiction as follows: The county court of the county of
Portage shall have cognizance of, and jurisdiction to hear, try
and determine all actions and proceedings at law, wherein the
amount of debt, damages, penalty, or forfeiture shall not ex-
ceed the sum of five hundred dollars; actions to recover the
possession of personal property with damages for the unlawful
taking or detention thereof, wherein the value of the property
claimed shall not exceed the sum of five hundred dollars, and
all charges for offenses arising within said county, and which
are not punishable by commitment to the state prison; and the
judge of said county court shall have power to sentence and
commit all persons convicted of any offense of which said court
has jurisdiction. Said court shall have power and jurisdic-

tion throughout said county to cause to come before it persons who are charged with any criminal offense, and commit them to jail or bind them over to circuit court as the case may require. The judge of said court shall further have all the jurisdiction, authority, powers and rights given by law to justices of the peace, and shall be subject to the same prohibitions and penalties as justices of the peace. The said court shall also have exclusive jurisdiction of all offenses and actions arising under the charter of the city of Stevens Point, and the ordinances, rules and by-laws of said city. And all of the provisions of the charter of the city of Stevens Point relating to the practice and procedure in actions arising under the said charter, ordinances, rules and by-laws of said city, are hereby made applicable to the said county court and judge thereof in the trial of all said actions; and for these purposes, the city of Stevens Point and the county of Portage are hereby made and declared to be a municipality. Provided that upon presentation to the mayor of the said city of Stevens Point of an affidavit made by the city attorney or by the chief of police or any policeman of the said city, setting forth that the judge of the said county, by reason of sickness, absence or temporary disability is unable to act, the said mayor shall by an endorsement in writing on said affidavit, designate and appoint one of the justices of the peace of the said city to hear, try and determine all actions arising under the charter and ordinances of said city. Upon the filing of such affidavit with him, the said justice so designated shall have jurisdiction to hear, try and determine all such actions during such sickness, absence or disability of said judge of said county court. Such justice shall make his report, and pay over all fines collected by him, in the manner provided by the charter and ordinances of the said city of Stevens Point.

SECTION 2. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 31, 1903.

No. 379, A.]

[Published April 1, 1903.

CHAPTER 49.

AN ACT to amend section 1832 of the statutes of 1898 relating to the alteration of the routes of railroads.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Directors may alter route; terminus defined. SECTION 1. Section 1832 of the statutes of 1898 is hereby amended by adding at the end thereof the following:

“The point of intersection of a boundary line in this state by an interstate line of railway shall not be taken or held to be a terminus of such railroad unless there shall exist at such point of intersection a village incorporated, or unincorporated, with a population of not less than one hundred by the last preceding state census,” so that said section as so amended shall read as follows:

“Section 1832. The board of directors of every railroad corporation may, by a vote of two-thirds of the whole number, at any time alter the route or any part of the route, of their road or any extension or branch thereof, or any part of their road, or any extension or branch as constructed, if it shall appear to them that the line can be improved thereby; but no railroad shall be so diverted from any county, town, city or village which in its corporate capacity shall have extended aid to such road either while in the hands of the then present owner, or any former person or corporation; and no such alteration shall be made in any city or village after the road shall have been constructed therein unless the same shall have been sanctioned by a vote of two-thirds of the council of such city or of the the trustees of such village. Before making any such alteration the board of directors shall designate the route thereof by resolution, to be entered in its records, filed and recorded in the office of the secretary of state as provided in the preceding section (1831). Thereupon it shall have the same rights and privileges to build such road as altered as if it were the original line. The point of intersection of a boundary line of this state by an interstate line of railway shall not be taken, or held, to be a terminus of such railroad unless there shall exist at such point of intersection a village incorporated,

or unincorporated, with a population of not less than one hundred, by the last preceding state census.”

Conflicting laws repealed. SECTION 2. All acts and parts of acts conflicting with the provisions of this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 31, 1903.

No. 502, A.]

[Published April 4, 1903.

CHAPTER 50.

AN ACT authorizing cities of the first class to invite proposals to do the printing for such cities, and to enter into contracts for doing the same.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Proposals for printing contracts. SECTION 1. The common council of any city of the first class, as classified by the statutes of 1898, shall on or before the first Tuesday in April, A. D. 1903, and on or before the same day in each year thereafter, direct the city clerk of such city to advertise in one English, one German and one Polish newspaper published in such city, for proposals to do the advertising for such city for the next ensuing year thereafter, and until a new contract is awarded, of all ordinances, notices and all the city advertising required by law, or by resolution or ordinance of the common council, to be published in a newspaper, and also for proposals to publish the proceedings of the common council as may be ordered by the council; such advertisement shall invite separate bids for the advertising required, and for publishing the proceedings of the common council, and shall invite such bids from the English, the German and the Polish newspapers published daily in such city for at least two consecutive years prior to the date of the bids, and shall require the delivery of such proposals stating whether in English, in German or in Polish, in

writing duly sealed, and directed to said clerk, on or before the third Tuesday of April of the then current year. No bids for either kind of work shall be considered by said clerk except from a daily newspaper which has been published in such city at least two years consecutively next before the date of the bid, and no bid shall be considered unless accompanied by a certificate from the city treasurer, showing that the bidder has deposited with him five hundred dollars in money, or United States bonds, and a written agreement, executed by said bidder under seal to the effect that if such bid, either for advertising or publishing proceedings, be accepted, and upon being notified thereof, such bidder shall fail to enter into and execute a contract for the advertising, or the publication of proceedings, or for both, as required by this act, within the time prescribed by said clerk, said advertisement, then and in such case the said five hundred dollars shall become absolutely forfeited to such city. If a bid be rejected in case the bidder makes but one, and if both bids be rejected in case the bidder makes two bids, the said certificate of the city treasurer, and such agreement, and said five hundred dollars shall be thereupon returned to the bidder. The said clerk shall, on the third Tuesday in April in each year at twelve o'clock at noon in the presence of the mayor, open all such bids or proposals, and shall thereupon in the presence of the mayor, enter upon a record to be kept by the clerk for that purpose, all the said proposals for either kind of work, either in English, German or Polish, with the respective prices for which such newspapers shall offer to do either the advertising or the publication of the proceedings of the common council. And thereupon said clerk shall transmit all such proposals to the common council, at the next regular meeting thereof, held after the opening of such proposals, and a statement of all such proposals, designating therein the English newspaper or newspapers, the German newspaper or newspapers, and the Polish newspaper or newspapers, which shall respectively do such advertising, or such publication of proceedings, or both of them, at the lowest price for the time herein specified. If, however, any two or more bids, either for advertising or for publishing the proceedings, either in English, German or Polish, shall be for the same price, then all such facts shall be stated. The common council shall thereupon at said meeting thereof, by its resolution, designate and award such advertising, and such publication of council proceedings to the English newspaper or newspapers, the German newspaper or newspapers, and the Polish newspaper or newspapers so published in such city,

county treasury, for each day he shall be actually engaged in the examination of any person upon a criminal charge, or engaged upon any other matter, not appertaining to probate business, compensation for which is not otherwise provided.

Conflicting laws repealed. SECTION 2. All acts or parts of acts contravening or conflicting with the provisions of this act, are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 31, 1903.

No. 538, A.]

[Published April 1, 1903.

CHAPTER 46.

AN ACT to authorize cities of the first class to establish building lines along boulevards and pleasure ways, to condemn and cause to be removed and to prevent the erection of buildings and structures within such lines.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Common council may establish building lines; survey by city engineer. SECTION 1. Whenever the common council of any city of the first class, as classified by the statutes of 1898, shall by resolution decide that the establishment of building lines or the taking of the owner's right to build on any specified portion of his realty is necessary for the public use, such common council may establish building lines along and parallel with the street lines of any street or part of street or streets which has been or may be declared to be a boulevard or pleasure-way pursuant to law; such common council shall by further resolution fix the distance from the street lines at which such building lines shall be located and shall instruct the city engineer to make a survey and plat showing the location of the street lines and the building lines with reference to each other; the city engineer shall make such survey and plat and report the same to the common council and shall also further report

whether any building or other structure or obstruction is situated between the street lines and the building lines and give a particular description of the same and shall show the location thereof upon such plat.

Jury trial to be had. SECTION 2. Upon the coming in of the report and plat of the city engineer the common council shall direct by resolution that a jury be impaneled in the same manner now provided by law for impaneling juries in cases of laying out streets, to decide whether the establishment of the building line or the taking of the owner's right to build on the specified portion of his realty is necessary for the public use, and the same proceedings shall be had thereon, as are provided by law for laying out streets in such city.

Board of public works to make an assessment. SECTION 3. If the jury shall decide and report that the establishment of building lines or the taking of the owner's right to build on the specified portion of his realty is necessary for the public use, then the board of public works shall make an assessment of all benefits and damages that shall be caused by establishing such building lines, and the same proceedings shall be had in that behalf as are now prescribed by law for the assessment of benefits and damages in cases of proceedings to lay out streets within such city.

Persons aggrieved may appeal. SECTION 4. Any person aggrieved by the assessment of the board of public works may appeal therefrom in the same manner as in cases of proceedings for the laying out of streets in said city.

Damages and benefits, how paid and collected. SECTION 5. All damages in cases of damages assessed and awarded by the board of public works, shall be paid and all benefits assessed shall be collected in the manner provided by law in cases of laying out streets in said city.

District to be established. SECTION 6. In making assessments of benefits caused by laying out and establishing building lines in any case the board of public works shall before proceeding to make the assessment establish the district in which the property shall be benefited or injured by the establishment of such building lines.

Structures or obstructions may be removed. SECTION 7. Whenever any building line shall have been established and

damages assessed as herein provided, if any building or other structure or obstruction shall be situate between the building line and the street lines, the board of public works shall cause the same to be removed in the same manner prescribed by law for the removal of buildings or other obstructions in the opening of streets.

Buildings between lines unlawful. SECTION 8. After building lines have been established in any case as herein provided, it shall be unlawful for any person to erect any building, structure or other obstruction between such building lines and the street lines and if any person shall attempt so to do he may be prevented and restrained by the mayor, chief of police or board of public works of such city, or at the suit of any taxpayer of such city.

Conflicting laws repealed. SECTION 9. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

SECTION 10. This act shall take effect and be in force from and after its passage and publication.

Approved March 31, 1903.

No. 429, A.]

[Published April 1, 1903.

CHAPTER 47.

AN ACT to repeal chapter 180, private and local laws of 1866, and chapter 235, local laws of 1883, relating to abstract of tax sales in Shawano county.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Laws repealed. SECTION 1. Chapter 180, private and local laws of 1866, and chapter 235 of the laws of 1883, statutes of Wisconsin, are hereby repealed.

SECTION 2. This act shall take effect from and after the first Monday of January, 1905.

Approved March 31, 1903.

No. 407, A.]

[Published April 1, 1903.]

CHAPTER 48.

AN ACT to amend chapter 357 of the laws of 1891, entitled
"An act conferring additional jurisdiction on the county
court of Portage county."

*The people of the state of Wisconsin represented in senate and
assembly do enact as follows:*

Jurisdiction of judge; temporary substitute. SECTION 1.
Section 1 of chapter 357 of the laws of 1891 is hereby amended
by adding at the end of said section the follows: "Provided
that upon presentation to the mayor of the said city of Stevens
Point of an affidavit made by the city attorney or by the chief
of police, or any policeman, of the said city, setting forth that
the judge of the said county court, by reason of sickness, ab-
sence or temporary disability is unable to act, the said mayor
shall by an endorsement in writing on said affidavit, designate
and appoint one of the justices of the peace of the said city to
hear, try and determine all actions arising under the charter
and ordinances of said city. Upon the filing of such affidavit
with him, the said justice so designated shall have jurisdiction
to hear, try and determine all such actions during such sick-
ness, absence or disability of said judge of said county court.
Such justice shall make his report, and pay over all fines col-
lected by him, in the manner provided by the charter and ordi-
nances of the said city of Stevens Point," so that said section
when so amended shall read as follows: "Section 1. There
is hereby conferred upon the county court of Portage county,
jurisdiction as follows: The county court of the county of
Portage shall have cognizance of, and jurisdiction to hear, try
and determine all actions and proceedings at law, wherein the
amount of debt, damages, penalty, or forfeiture shall not ex-
ceed the sum of five hundred dollars; actions to recover the
possession of personal property with damages for the unlawful
taking or detention thereof, wherein the value of the property
claimed shall not exceed the sum of five hundred dollars, and
all charges for offenses arising within said county, and which
are not punishable by commitment to the state prison; and the
judge of said county court shall have power to sentence and
commit all persons convicted of any offense of which said court
has jurisdiction. Said court shall have power and jurisdic-

tion throughout said county to cause to come before it persons who are charged with any criminal offense, and commit them to jail or bind them over to circuit court as the case may require. The judge of said court shall further have all the jurisdiction, authority, powers and rights given by law to justices of the peace, and shall be subject to the same prohibitions and penalties as justices of the peace. The said court shall also have exclusive jurisdiction of all offenses and actions arising under the charter of the city of Stevens Point, and the ordinances, rules and by-laws of said city. And all of the provisions of the charter of the city of Stevens Point relating to the practice and procedure in actions arising under the said charter, ordinances, rules and by-laws of said city, are hereby made applicable to the said county court and judge thereof in the trial of all said actions; and for these purposes, the city of Stevens Point and the county of Portage are hereby made and declared to be a municipality. Provided that upon presentation to the mayor of the said city of Stevens Point of an affidavit made by the city attorney or by the chief of police or any policeman of the said city, setting forth that the judge of the said county, by reason of sickness, absence or temporary disability is unable to act, the said mayor shall by an endorsement in writing on said affidavit, designate and appoint one of the justices of the peace of the said city to hear, try and determine all actions arising under the charter and ordinances of said city. Upon the filing of such affidavit with him, the said justice so designated shall have jurisdiction to hear, try and determine all such actions during such sickness, absence or disability of said judge of said county court. Such justice shall make his report, and pay over all fines collected by him, in the manner provided by the charter and ordinances of the said city of Stevens Point.

SECTION 2. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 31, 1903.

No. 379, A.]

[Published April 1, 1903.

CHAPTER 49.

AN ACT to amend section 1832 of the statutes of 1898 relating to the alteration of the routes of railroads.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Directors may alter route; terminus defined. SECTION 1. Section 1832 of the statutes of 1898 is hereby amended by adding at the end thereof the following:

“The point of intersection of a boundary line in this state by an interstate line of railway shall not be taken or held to be a terminus of such railroad unless there shall exist at such point of intersection a village incorporated, or unincorporated, with a population of not less than one hundred by the last preceding state census,” so that said section as so amended shall read as follows:

“Section 1832. The board of directors of every railroad corporation may, by a vote of two-thirds of the whole number, at any time alter the route or any part of the route, of their road or any extension or branch thereof, or any part of their road, or any extension or branch as constructed, if it shall appear to them that the line can be improved thereby; but no railroad shall be so diverted from any county, town, city or village which in its corporate capacity shall have extended aid to such road either while in the hands of the then present owner, or any former person or corporation; and no such alteration shall be made in any city or village after the road shall have been constructed therein unless the same shall have been sanctioned by a vote of two-thirds of the council of such city or of the trustees of such village. Before making any such alteration the board of directors shall designate the route thereof by resolution, to be entered in its records, filed and recorded in the office of the secretary of state as provided in the preceding section (1831). Thereupon it shall have the same rights and privileges to build such road as altered as if it were the original line. The point of intersection of a boundary line of this state by an interstate line of railway shall not be taken, or held, to be a terminus of such railroad unless there shall exist at such point of intersection a village incorporated,

or unincorporated, with a population of not less than one hundred, by the last preceding state census.”

Conflicting laws repealed. SECTION 2. All acts and parts of acts conflicting with the provisions of this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 31, 1903.

No. 502, A.]

[Published April 4, 1903.

CHAPTER 50.

AN ACT authorizing cities of the first class to invite proposals to do the printing for such cities, and to enter into contracts for doing the same.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Proposals for printing contracts. SECTION 1. The common council of any city of the first class, as classified by the statutes of 1898, shall on or before the first Tuesday in April, A. D. 1903, and on or before the same day in each year thereafter, direct the city clerk of such city to advertise in one English, one German and one Polish newspaper published in such city, for proposals to do the advertising for such city for the next ensuing year thereafter, and until a new contract is awarded, of all ordinances, notices and all the city advertising required by law, or by resolution or ordinance of the common council, to be published in a newspaper, and also for proposals to publish the proceedings of the common council as may be ordered by the council; such advertisement shall invite separate bids for the advertising required, and for publishing the proceedings of the common council, and shall invite such bids from the English, the German and the Polish newspapers published daily in such city for at least two consecutive years prior to the date of the bids, and shall require the delivery of such proposals stating whether in English, in German or in Polish, in

writing duly sealed, and directed to said clerk, on or before the third Tuesday of April of the then current year. No bids for either kind of work shall be considered by said clerk except from a daily newspaper which has been published in such city at least two years consecutively next before the date of the bid, and no bid shall be considered unless accompanied by a certificate from the city treasurer, showing that the bidder has deposited with him five hundred dollars in money, or United States bonds, and a written agreement, executed by said bidder under seal to the effect that if such bid, either for advertising or publishing proceedings, be accepted, and upon being notified thereof, such bidder shall fail to enter into and execute a contract for the advertising, or the publication of proceedings, or for both, as required by this act, within the time prescribed by said clerk, said advertisement, then and in such case the said five hundred dollars shall become absolutely forfeited to such city. If a bid be rejected in case the bidder makes but one, and if both bids be rejected in case the bidder makes two bids, the said certificate of the city treasurer, and such agreement, and said five hundred dollars shall be thereupon returned to the bidder. The said clerk shall, on the third Tuesday in April in each year at twelve o'clock at noon in the presence of the mayor, open all such bids or proposals, and shall thereupon in the presence of the mayor, enter upon a record to be kept by the clerk for that purpose, all the said proposals for either kind of work, either in English, German or Polish, with the respective prices for which such newspapers shall offer to do either the advertising or the publication of the proceedings of the common council. And thereupon said clerk shall transmit all such proposals to the common council, at the next regular meeting thereof, held after the opening of such proposals, and a statement of all such proposals, designating therein the English newspaper or newspapers, the German newspaper or newspapers, and the Polish newspaper or newspapers, which shall respectively do such advertising, or such publication of proceedings, or both of them, at the lowest price for the time herein specified. If, however, any two or more bids, either for advertising or for publishing the proceedings, either in English, German or Polish, shall be for the same price, then all such facts shall be stated. The common council shall thereupon at said meeting thereof, by its resolution, designate and award such advertising, and such publication of council proceedings to the English newspaper or newspapers, the German newspaper or newspapers, and the Polish newspaper or newspapers so published in such city,

which shall respectively offer to do such advertising and such publication of proceedings, or either, at the lowest price for the time herein specified. Provided, that in case only one Polish paper should bid for the publication of such proceedings, and said advertising, and such bid should be higher than the lowest bid for the publication of such proceedings and such advertising in German, then the common council shall set the price for such publication of said proceedings and said advertising in the Polish paper equal to the price to be paid to the German newspaper or newspapers to which contracts for the publication of said proceedings and said advertising in German have been, or may be, at that time awarded. And if two or more bids shall be received for either the advertising or the publication of the proceedings in either English, German or Polish for the same price, then and in such case such advertising or such publication of the proceedings, or both, shall be so let to the newspapers in either such language having the largest circulation in such city, and the publishers of the newspapers to which such advertising or publication of proceedings, or both, shall be awarded as aforesaid, shall respectively thereupon give bond in the sum of two thousand dollars for the faithful performance of said contract, which bond shall be approved by the comptroller of such city, as to the sureties therein, and by the city attorney as to the form and execution thereof. Provided, that in case both the advertising and the publication of proceedings, either in English, German or Polish shall be let to the same newspaper, then the penalty of such bond shall be four thousand dollars. And, whenever the successful bidder for the advertising, or for the publication of proceedings as aforesaid, or for both, shall have executed the contract and bond aforesaid, and such bond shall have been duly approved as aforesaid, the sum of five hundred dollars deposited with the city treasurer by such bidder, in accordance with this act, shall be returned to the said bidder in accordance with the provisions hereintoforeset forth. Such newspapers shall thereupon become liable to print and publish all such ordinances, notices, council proceedings and other proceeding as are required by the charter of such city, or by resolution or ordinance of the common council to be published in a public newspaper, and which such newspaper shall have contracted to publish for the compensation specified in such proposals and contract, and shall receive no other compensation therefor, provided, however, that said common council may in its discretion reject any or all bids so made that by said common council shall be deemed exorbitant, or too high, and in case of the re-

jection of all bids for either advertising or publication of proceedings for such cause, it shall thereupon be the duty of the said common council to direct said city clerk to readvertise for proposals for such advertising or publication of proceedings, as the case may be, in the same manner as hereinbefore in this act provided, and the said clerk shall thereafter transmit to said common council the proposals so received by him in the manner aforesaid. The said common council shall designate the English, the German and Polish newspapers receiving the contract for such advertising as the proper official newspapers of such city. Provided, that if for any reason such contracts, or any of them, shall not be awarded at the time hereinbefore specified, then the new contract, or contracts, shall be awarded for the unexpired portion of such year and until a new contract is awarded.

Conflicting laws repealed. SECTION 2. All acts or parts of acts, including the provisions of any special charter, contravening the provisions of this act, are hereby repealed; provided, however, that nothing herein contained shall be construed as repealing chapter 98 of the laws of Wisconsin for the year 1897.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 4, 1903.

No. 198, A.]

[Published April 9, 1903.

CHAPTER 51.

AN ACT to authorize counties and towns to pay bounty for killing rattlesnakes.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Bounty on rattlesnakes authorized. SECTION 1. The boards of supervisors of the several counties and the town boards of the several towns within the state are hereby authorized and empowered to provide, by resolution or ordinance, for the pay-

ment of a bounty for the killing of rattlesnakes, and may prescribe in such resolution or ordinance the necessary proof of such killing to entitle any person to such bounty.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 6, 1903.

No. 207, A.]

[Published April 9, 1903.

CHAPTER 52.

AN ACT to prohibit the use of the public highway for camping purposes, without permission, and fixing a penalty therefor.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Camping on highway for more than twelve hours prohibited.

SECTION 1. It shall be unlawful for any person or persons, to camp in wagon, tent or otherwise, on the public highway, or lands adjacent thereto for a longer period than twelve hours after a written notice to remove therefrom by the owners of such adjacent land or of the owner of land abutting on the highway, or by a member of the board of supervisors or any trustee of said town or village, where such camping place is made.

Penalty for violation. SECTION 2. Any person or persons violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding ten dollars, or imprisoned in the county jail not exceeding thirty days, or both.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 6, 1903.

No. 241, A.]

[Published April 2, 1903.

CHAPTER 53.

AN ACT for taking and transporting game birds for propagating purposes.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Game birds may be transported, how. SECTION 1. The state fish and game warden is hereby authorized to issue to any person a permit to take and transport game birds for propagating purposes within the state, provided the same be done under the supervision of a deputy game warden.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 6, 1903.

No. 242, A.]

[Published April 9, 1903.

CHAPTER 54.

AN ACT to appropriate to the governor's contingent fund a sum of money named therein.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

\$2,000 annually for two years. SECTION 1. There is hereby appropriated to the governor's contingent fund, out of any moneys in the state treasury not otherwise appropriated, the sum of two thousand dollars per annum for the years 1903 and 1904.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 6, 1903.

No. 315, A.]

[Published April 9, 1903.

CHAPTER 55.

AN ACT to authorize cities to license and regulate the storage and use of nitric, sulphuric and other dangerous acids, and cities of the first class to provide additional fire extinguishing apparatus.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Storage of acids; fire apparatus. SECTION 1. It shall be lawful for all cities within this state by ordinance, to license the storage and use of nitric, sulphuric and other acids, the fumes or vapors from which will cause death to human beings by inhalation, and to regulate the storage thereof, and for all cities of the first class by ordinance to provide buildings with a sufficient number of automatic stream and distributing nozzles, such buildings and the number of nozzles to be determined by the chief of the fire department and building inspector of said cities.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 6, 1903.

No. 567, A.]

[Published April 9, 1903.

CHAPTER 56.

AN ACT to limit the scope of contracts of casualty and accident companies.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Limit of liability not to exceed one-tenth of assets. SECTION 1. No casualty or accident insurance company, association, society, order or corporation organized under section 1955a of

the Wisconsin statutes of 1898, as amended by chapter 442 of the laws of 1901; and no such company, association, society, order or corporation, now or at any time hereafter transacting business within this state, shall assume a greater liability in its contracts of insurance to any one person, payable in case of death of the assured, than one-tenth of the amount of its assets reported to the commissioner of insurance, and in actual existence at the time of the last preceding annual report to the said commissioner of insurance.

SECTION 2. This act shall take effect and be in force from and after the first day of August, 1903.

Approved April 6, 1903.

No. 645, A.]

[Published April 9, 1903.

CHAPTER 57.

AN ACT to provide for certain repairs upon the improvement of the capitol building of the state and making an appropriation therefor.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

\$200 appropriated. SECTION 1. There is hereby appropriated out of the general fund of the state of Wisconsin, such necessary sum of money, not exceeding, however, two hundred dollars, to be applied for the payment of bills for repairs upon and the improvement of the capitol building of the state, said repairs and improvements to be made at once under the direction of the superintendent of public property, the sergeant-at-arms of the senate and the sergeant-at-arms of the assembly. All bills for such repairs and improvements to be paid in the usual manner out of the state treasury after proper audit by the secretary of state.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 6, 1903.

No. 343, S.]

[Published April 9, 1903.

CHAPTER 58.

AN ACT granting to the United States jurisdiction over certain lands in Marathon county.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Jurisdiction except for service of civil and criminal process.

SECTION 1. The consent of the state of Wisconsin is hereby given to the purchase by the United States, of any tract or tracts of land in the city of Wausau, county of Marathon, for the erection of a building under the provisions of an act of congress, approved June 6, 1902, entitled "An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes," and the state hereby cedes to the United States exclusive jurisdiction over such tract or tracts of land as shall be purchased for the purposes aforesaid, so long as they shall be or remain the owner thereof, for all purposes, except the service of civil and criminal process therein.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 6, 1903.

No. 143, S.]

[Published April 9, 1903.

CHAPTER 59.

AN ACT to authorize the city of Eau Claire to build and maintain a dam across the Chippewa river in the city of Eau Claire.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Location and purpose of dam. SECTION 1. The city of Eau Claire is hereby authorized to build and maintain a dam across the Chippewa river, at such place in said city as the common council thereof may hereafter determine, below the mouth of the Eau Claire river, at such height as such common council may determine, not exceeding eight (8) feet above low water mark, for the purpose of improving the navigation of said river and waters adjacent thereto in said city, and for the purpose of improving the sanitary condition of said city, and improving and beautifying said waters in said city; provided, however, that such dam shall be built and maintained in such a manner as not to injure or interfere with the use of any other dam in said city across the Chippewa river or Eau Claire river; and, provided further, that said dam shall be built and maintained so as not to obstruct or impede the running of logs or timber down said river, and that a suitable log slide or sluiceway of sufficient width shall be maintained, together with all piers, booms and other appliances as may be necessary so as to pass all logs and timber down said river without delay, and without any toll or charge therefor to the owner or owners of said logs or timber.

Fishway. SECTION 2. The dam so erected shall be provided with a good and sufficient fishway to be approved by the state board of fisheries, and said fishway shall at all times be kept in good repair and open for the free passage of fish up and down the said dam.

Right of repeal, etc., reserved. SECTION 3. The act of the legislature to repeal or amend this act is hereby reserved.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved April 6, 1903.

No. 63, S.]

[Published April 9, 1903.]

CHAPTER 60.

AN ACT to amend chapter 40 of the statutes of 1898, by adding a new section thereto to be known as section 919cc relating to the borrowing of money for constructing sewers, waterworks, and electric lights in villages situated in counties of one hundred and fifty thousand inhabitants or more.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Borrowing money; purpose for which used. SECTION 1. Chapter 40 of the statutes of 1898, is hereby amended by inserting at the end of section 919c of said chapter, a new section to be known as section 919cc, to read as follows:

Section 919cc. In all villages situated in counties containing one hundred and fifty thousand inhabitants or more, the president and trustees may, for the purpose of the construction of main sewers, waterworks and electric lights and other parts of the work chargeable to the general fund provided for in this act, including all other municipal purposes for which bonds may be issued, borrow money to the amount of five per centum of the assessed valuation of the real and personal property in such village and issue negotiable corporate bonds therefor in the manner provided in section 942 and 943 of the statutes of 1898. The proceeds of the sale of said bonds shall be devoted and appropriated exclusively to the construction and maintenance of sewers, waterworks and electric lighting including all other municipal purposes for which bonds may be issued, as in this act provided and shall be known as the general fund. The village treasurer shall not pay out any of said fund for any purpose other than the construction and maintenance of sewers, waterworks and electric lighting, and other municipal purposes for which bonds may be issued, as in this act provided.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 6, 1903.

No. 29, S.]

[Published April 9, 1903.

CHAPTER 61.

AN ACT amending section 3, chapter 296, laws of Wisconsin for 1899, and relating to the unexpended balance of the annual appropriation to be added to the expenditures of the next ensuing year.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Balance of appropriation. SECTION 1. Section 3 of chapter 296 of the laws of Wisconsin for 1899, making an annual appropriation to the state historical society of Wisconsin as the trustee of the state is hereby amended by adding thereto the following new paragraph, to-wit: "Any balance of said annual appropriation not expended in any one year may be added to the expenditures of the next ensuing year."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 6, 1903.

No. 345, S.]

[Published April 10, 1903.

CHAPTER 62.

AN ACT to authorize O. E. Pederson and L. E. McGill, their associates and assigns, to build and maintain a dam across the Flambeau river in the county of Gates, in the state of Wisconsin.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Location and height of dam. SECTION 1. O. E. Pederson and L. E. McGill, their associates and assigns, are hereby authorized to construct and maintain a dam across the Flambeau river in Gates county, Wisconsin, on government lots 2 and 7, section 18, township 34 north, range 6 west; such dam not to exceed twelve feet in height. The said parties, their associates

and assigns shall have the right to utilize any hydraulic power which may be created by said dam.

Construction of. SECTION 2. Said dam shall be so constructed as not to retard the driving of logs and timber down said river and over and through said dam, and a passageway for such logs and timber shall be kept open, free of charge, whenever there shall be logs and timber to pass down said river.

Fishway. SECTION 3. Said dam shall also contain good and sufficient fishways, permitting the free and easy passage of fish up and down said stream.

Powers conferred. SECTION 4. Said O. E. Pederson and L. E. McGill, their associates and assigns, for the purpose of acquiring any flowage rights which they or either of them may deem necessary in carrying out the provisions of this act may exercise the powers granted to corporations by section 1777 to 1777c, both inclusive, of the statutes of 1898, and such amendments thereto as may have been or may be made.

Intent of act. SECTION 5. No corporate powers are granted by this act, and it shall not be construed or deemed to grant such powers.

Right to repeal, etc., reserved. SECTION 6. The power to alter, amend or repeal this act is hereby reserved.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved April 6, 1903.

No. 12, S.]

[Published April 10, 1903.]

CHAPTER 63.

AN ACT to provide for the bulletining of the time of the arrival of passenger trains.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Train time bulletins. SECTION 1. That every corporation, company or person, operating a railroad within this state shall, immediately after the taking effect of this act, cause to be placed in a conspicuous place in each passenger depot of such company, located at any station in this state, at which there is a telegraph office, a blackboard of suitable size, upon which such company or person shall cause to be written, at least twenty minutes before the schedule time for the arrival of each passenger train stopping upon such route at such station, the fact whether such train is on schedule time or not, and if late, how much. Provided also, that any passenger trains not more than five minutes late shall be deemed to be on time as to the operation of this act.

Penalty. SECTION 2. For each wilful violation of the provisions of this act in failing to report or in making a false report, such corporation, company or person, so neglecting or so refusing to comply with the provisions of this act, shall forfeit and pay the sum of twenty-five dollars, together with all taxable costs, to be recovered in a civil action to be prosecuted by the prosecuting attorney of the county in which the neglect or refusal occurs, in the name of the state of Wisconsin, which shall be paid over to the county in which such proceedings are had, and shall be a part of the common-school fund.

Conflicting laws repealed. SECTION 3. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved April 3, 1903.

No. 22, S.]

[Published April 10, 1903.]

CHAPTER 64.

AN ACT relating to the certification of teachers of manual training and of domestic science.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Normal school diploma; effect of countersigning. SECTION 1. A diploma granted by the board of regents of normal schools to any person who completes the training course for teachers of manual training or of domestic science, established by said board in any of the state normal schools, shall be regarded as a certificate legally qualifying the holder thereof to teach manual training and domestic science respectively for one year in any school forming a part of the public school system. The state superintendent may, after such examination as to moral character, learning and ability to teach, as to him may seem proper, countersign such diploma if, since receiving it, the holder has taught manual training or domestic science in a public school in this state one year, and thereafter such countersigned diploma shall qualify the holder as a teacher of manual training or domestic science as the case may be, until the same shall be annulled.

Other diplomas; special license. SECTION 2. The holder of a diploma granted by any manual training school or school of domestic science, upon the completion of a training course for teachers in either subject fully and fairly equivalent to the course of instruction for teachers in the same subjects prescribed by the board of regents of normal schools, may present such diploma, together with the evidence of the required standing of the training school issuing such diploma, to the state board of examiners. The applicant shall furnish therewith testimonials of good moral character and of two years' successful teaching of manual training or domestic science, as the case may be, in the public schools of the state after the date of such diploma. The holder of any such diploma, recommended favorably by the board, shall be entitled to receive a certificate issued by the state superintendent, qualifying the holder as a teacher of manual training or of domestic science, until the same shall be annulled. The holder of a diploma granted upon the completion of a course of study, accredited as herein provided, upon which a state certificate has not been issued, upon

the recommendation of the board of examiners made in pursuance of such examination as to learning, moral character and ability to teach as said board may require, may be given a special license by the state superintendent to teach manual training or domestic science as recommended by the board, for two years in the public schools of the state.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 3, 1903.

No. 62, S.]

[Published April 10, 1903.

CHAPTER 65.

AN ACT to compensate the legislative visiting committee, appointed to visit the state charitable and penal institutions.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Appropriation. SECTION 1. There is hereby appropriated out of the moneys in the state treasury, not otherwise appropriated, for expense incurred by the state visiting committee, for 1902 and 1903, to the state institutions, to G. P. Miller one hundred and fifty dollars; to A. H. Dahl one hundred and fifty dollars; to E. W. Evans one hundred and fifty dollars.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 3, 1903.

No. 106, S.]

[Published April 10, 1903.

CHAPTER 66.

AN ACT to amend section 378 of the statutes of 1898, as amended by chapter 255 of the general laws of 1901, extending the terms of office of regents until their successors be appointed.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Term to extend to appointment and qualification of successor.

SECTION 1. Section 378 of the statutes of 1898 as amended by chapter 255 of the general laws of 1901 is hereby further amended by inserting after the word "appointed" in the eleventh line of said section, the words "and until the appointment and qualification of their respective successors," so that said section when so amended shall be and read as follows: Section 378. The government of the university shall vest in a board of regents, to consist of one member from each congressional district and two from the state at large, at least one of whom shall be a woman, to be appointed by the governor; the state superintendent and the president of the university shall be ex officio members of said board; said president shall be a member of all the standing committees of the board, but shall have the right to vote only in the case of a tie. The term of office of the appointed regents shall be three years from the first Monday in February in the year in which they are appointed and until the appointment and qualification of their respective successors, unless sooner removed by the governor; but appointments to fill vacancies before the expiration of the term shall be for the residue of the term only.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 3, 1903.

No. 129, S.]

[Published April 10, 1903.]

CHAPTER 67.

AN ACT to prevent the sale of unclean and unsanitary milk and the use thereof in the manufacture of food products, and to prohibit unclean and unsanitary conditions of creameries, cheese factories and milk dealers' establishments or outfits.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Unclean and unsanitary milk. SECTION 1. Milk which shall be drawn from cows that are kept in barns or stables which are not well lighted and ventilated, or that are filthy from an accumulation of animal refuse or from any other cause, or from cows which are themselves in a filthy condition, and milk in or from cans or other utensils that are not kept in a clean and sanitary condition, or milk to which has been added any unclean or unsanitary foreign substance, is hereby declared to be unclean and unsanitary milk; provided, that nothing in this act shall be construed to prohibit the sale of pasteurized milk or cream to which viscogen or sucrate of lime has been added solely for the purpose of restoring the viscosity, if the same be distinctively labeled in such manner as to advise the purchaser of its true character.

Sale of. SECTION 2. No person, firm or corporation, shall knowingly offer or expose for sale, or sell, or deliver for sale or consumption, or to any creamery or cheese factory or milk condensing factory, or have in his possession with intent to sell any unclean or unsanitary milk.

Manufacture of food from. SECTION 3. No person, firm or corporation, shall knowingly manufacture for sale any article of food from unclean or unsanitary milk or from cream from the same.

Premises and utensils to be kept clean. SECTION 4. All premises and utensils employed for the manufacture or sale or offering for sale of food products from milk or cream from the same which shall not be kept in clean and good sanitary condition are hereby declared to be unclean and unsanitary. Any milk dealer or any person, firm or corporation furnishing milk

or cream-to such dealer, or the employee of such milk dealer, and any person, firm or corporation or the employee of such person, firm or corporation, who operates a creamery, cheese factory or milk condensing factory, or manufactures, re-works or packs butter for sale as a food product, shall maintain his premises and utensils in a clean and sanitary condition.

Bottles or vessels to be washed. SECTION 5. Any person, firm or corporation, who receives any milk or cream in cans, bottles or vessels, which has been transported over any railroad, or boat line, where such cans, bottles or vessels are to be returned, shall cause the said cans, bottles or vessels to be emptied before the said milk or cream contained therein shall become sour, and shall cause said cans, bottles and vessels to be immediately washed and thoroughly cleansed and aired.

Penalty. SECTION 6. Whoever violates any provision of this act shall, upon conviction thereof, be punished by fine of not less than twenty-five dollars nor more than one hundred dollars for each and every offense, and, in default of payment thereof, shall be imprisoned in the county jail not less than thirty days nor more than sixty days.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved April 3, 1903.

No. 262, S.]

[Published April 10, 1903.

CHAPTER 68.

AN ACT to provide for state insurance on public buildings, and making an appropriation therefor.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Powers annulled. SECTION 1. On and after July 1st, 1903, no officer or agent of this state and no person or persons having charge of any public buildings or property of the state shall

pay out any public moneys or funds on account of any insurance against loss by fire or tornado, or shall in any manner contract for or incur any indebtedness against the state on account of any such insurance upon any of the public buildings, furniture, fixtures or property of any kind whatever belonging to the state except in the manner hereinafter provided.

Report to commissioner; duties defined; state insurance fund.

SECTION 2. Within thirty days after the passage and publication of this act each officer, board of control, board of regents, agent or agency of the state of any kind, having in charge any public buildings or property of any kind whatsoever belonging to the state shall report to the commissioner of insurance of the state each policy of insurance which shall be then in force upon any property of any kind belonging to the state, showing in said report the property covered by such insurance, date of expiration of policy, rate of insurance and amount paid. Upon July 1st, 1903, and annually thereafter, the commissioner of insurance of the state shall provide for the insurance by the state of all state property for an amount equal to ninety per cent. of the cash value of such property in the following manner: First, he shall determine the insurable value of each item of property and shall fix the rate of insurance which in his opinion is the average rate charged by responsible fire and tornado insurance companies doing business in this state and issuing insurance policies upon property of similar kind and exposed to risk of fire or tornado in like manner. He shall then ascertain the amount of insurance in force upon all state property and provide for such additional insurance as is necessary to cover said ninety per cent. of the full value of the property in the following manner: He shall certify to the state treasurer the amount of insurance upon such property to be carried by the state and order the state treasurer to credit to an account which shall be kept by the treasurer and known as the "state insurance fund" an amount equal to sixty per cent. of the premium as fixed by the commissioner of insurance, and the amount so credited by the state treasurer to the "state insurance fund" shall be debited by the state treasurer to that account which shall be kept upon his books with the proper officer, agent or board of trustees or regents which may have such public buildings and property in its charge, and the amount so debited by the state treasurer to said officer, agent or board shall be deducted by him from any funds which may be in his hands, or which may thereafter come into his hands and payable to said officer, agent or board of trustees or regents for the care

and maintenance of such public buildings or property. The state commissioner of insurance shall not cause any policies to be canceled which may be in effect on July 1st, 1903, but shall provide for the insurance of buildings and property as hereinbefore stated, increasing the amount of state insurance at such times as the policies existing on July 1st, 1903, may from time to time expire, so as to maintain at all times full insurance at ninety per cent. of full value.

Statement of damages to be filed with state treasurer. SECTION 3. In case any buildings or property of the state shall be damaged by fire or tornado the commissioner of insurance shall within thirty days ascertain and fix the amount of such damage and forthwith file with the state treasurer a statement of the same. The amount of loss when fixed shall by the state treasurer be debited to the "state insurance fund" and credited to the proper fund of the officer, board of control, board of trustees or other agents, in whose control said buildings or property belongs, to be used by said officer, board or agent for the rebuilding or restoring of the property damaged and to be disbursed by the state treasurer in such manner as other state funds for the use of said officer, board or agent are paid out, and if at the time of any such award of loss or damage by the commissioner of insurance there shall not be in the "state insurance fund" an amount equal to such award, the full amount of the award shall, notwithstanding this fact, be promptly paid by the state treasurer out of any moneys in his hands in the manner above provided.

Duplicate copies to be filed, where. SECTION 4. A duplicate copy of all reports and statements required herein of the commissioner of insurance and of each officer, board or agent in each section of this act, shall be filed with the secretary of state by each such officer, board or agent.

Appropriation. SECTION 5. There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated a sum sufficient to carry out the requirements of this act.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved April 3, 1903.

No. 262, S.]

[Published April 10, 1903.

CHAPTER 69.

AN ACT to amend section 1 of chapter 347, laws of 1901, relating to the legal qualifications for kindergarten teachers in Wisconsin.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Diplomas of kindergarten schools. SECTION 1. Section 1 of chapter 347 of the laws of 1901 is hereby amended by striking out the word "incorporated" where it occurs in the second line of said section, so that said section, when amended, shall read as follows: Section 1. The holder of a diploma granted by any kindergarten training school whose course of instruction is fully and fairly equivalent to the course of instruction in kindergarten training prescribed by the board of regents of normal schools in any of the state normal schools, may present such diploma, together with evidence of the required standing of the kindergarten training school issuing such diploma to the state board of examiners. The applicant shall furnish therewith testimonials of good moral character and of two years' successful teaching in a kindergarten in Wisconsin after the date of such diploma. The holder of any such diploma recommended favorably by the board shall be entitled to receive a certificate issued by the state superintendent qualifying the holder to teach in any public kindergarten in the state until the same shall be annulled. The holder of a diploma granted upon the completion of a course of study accredited as herein provided, upon which a state certificate has not been issued, upon the recommendation of the board of examiners made in pursuance of such examination as to learning, moral character and ability to teach as said board may require, may be given a special license by the state superintendent to teach for two years in any public kindergarten in the state.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 3, 1903.

No. 328, S.]

[Published April 10, 1903.

CHAPTER 70.

AN ACT to amend section 1379—11 of the statutes of 1898, as amended by chapter 50 of the laws of 1901, relating to drainage districts.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Drainage districts in one or more counties; jurisdiction of courts. SECTION 1. Section 1379—11 of the statutes of 1898 as amended by chapter 50 of the laws of 1901, is hereby amended by adding at the end thereof the following words: "But in case a petition for the organization of a drainage district shall be filed in one county and the circuit court of said county shall take jurisdiction thereof, and it shall afterward appear by the report of the commissioners appointed by said court that the greater part of the lands which should be included in said drainage district lie in some other county, said facts shall not deprive the circuit court of the county where the petition was filed, of jurisdiction, but said court in which the petition was filed shall retain jurisdiction over said proceedings until completed and the district therein petitioned for organized," so that said section so amended shall read as follows:

Section 1379—11. Drainage districts comprising lands located in one or more towns may be organized and established in the manner hereinafter provided. Whenever a majority of the owners of lands with a district proposed to be organized, who shall have arrived at lawful age and shall represent one-third in area of the lands to be reclaimed or benefited, or whenever the adult owners of more than one-half of such lands desire to construct a drain, ditch, levee or other work across the lands of others for the promotion of the public health or welfare, or to maintain and keep in repair any such drain, ditch or levee heretofore constructed under any law of this state, such owners may file in the circuit court of any county in which the lands, or if they lie in more than one county, in that in which the greater part of the lands to be affected by such drain, ditch or levee or other work proposed to be constructed, maintained or repaired shall lie, a petition signed by them setting forth the proposed name of said drainage district, the necessity of the same, with a general description of its proposed starting point,

route and terminus, and a general description of the lands proposed to be affected, with the names of the owners when known; and if the purpose of said petitioners is the repair and maintenance of a ditch, levee or other work heretofore constructed under any law of this state, said petition shall give a general description of the same, with such particulars as may be deemed important and may apply for the organization of a drainage district by the name and with the boundaries proposed, and for the appointment of commissioners for the execution of such proposed work according to the provisions of this and the following sections; provided, that the lands embraced in such drainage district shall be liable for any and all damages resulting to lands lying outside of its boundaries, because of the proposed work and that the organization of such district shall in no manner interfere with any other drainage district above it or below it; and if through the construction of any proposed ditch, drain or levee increased cost shall be entailed upon a lower district in providing means to carry off the water flowing from the higher district, the lands in the higher district shall be liable for such cost. No petition having the requisite number of signers required by this section shall be declared void; but the court may permit the petition to be amended at any time to substantially conform to the requirements of these provisions. But in case a petition for the organization of a drainage district shall be filed in one county and the circuit court of said county shall take jurisdiction thereof, and it shall afterward appear by the report of the commissioners appointed by said court that the greater part of the lands which should be included in said drainage district lie in some other county, said facts shall not deprive the circuit court of the county where the petition was filed, of jurisdiction, but said court in which the petition was filed shall retain jurisdiction over said proceedings until completed and the district therein petitioned for is organized.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 3, 1903.

No. 344, S.]

[Published April 10, 1903.

CHAPTER 71.

AN ACT to amend section 1 of chapter 415 of the laws of Wisconsin for the year 1901, relating to exemption of park lands from taxation.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Lands exempt from taxation. SECTION 1. Section 1 of chapter 415 of the laws of Wisconsin for the year 1901 is hereby amended so as to read as follows: "Section 1. Any and all lands owned or possessed exclusively for the public use as public parks or grounds by any city or village in this state shall hereafter be exempt from taxation. Any certificate or certificates of sale of such lands for unpaid taxes now or hereafter held by any county board may be canceled by the vote of a major part of the supervisors of such board, in the discretion of such board, and upon application therefore by a city or village having possession of such lands."

SECTION 2. All acts or parts of acts contravening the provisions of this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 3, 1903.

No. 347, S.]

[Published April 11, 1903.]

CHAPTER 72.

AN ACT to provide for the taxation of incorporated and private banks and to amend sections 1042, 1051 and 1057 of the statutes of 1898.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Bank stock; capital of private banks. SECTION 1. Section 1042 of the statutes of 1898 is hereby amended to read as follows: Section 1042. All the shares of stock of every incorporated bank or banking association whether organized under the authority of any law of this state or of any act of the congress of the United States and all the capital of every private bank shall be assessed and taxed in the assessment district in which such incorporated bank or private bank is located for the transaction of business.

Shares of stock, how taxed. SECTION 2. The shares of stock in any incorporated bank shall be liable to assessment and taxation as personal property and shall be entered upon the assessment roll in the names of the several owners, separately from the assessment of other personal property assessable to such owners. The valuation of such shares of stock and the taxes thereon shall be separately entered in the tax roll.

Private bank defined; capital, how taxed. SECTION 3. Every person, co-partnership or corporation, not organized as a banking corporation or association, which shall advertise as a bank or is engaged in the business of banking or shall receive money or funds for deposit or safe-keeping or shall buy and sell exchange as a regular business shall be known as a private bank.

The capital of every private bank shall be liable to taxation as personal property and shall be separately entered upon the assessment roll by the assessor in the names of the several owners thereof.

Statement by bank. SECTION 4. Section 1051 of the statutes of 1898 is hereby amended to read as follows: Section 1051. Upon the demand of the assessor, the president, cashier

or other officer in charge of any incorporated bank, shall make out and deliver to the assessor annually on or before the first day of June a verified statement showing the number and par value of the shares of stock, the names and residence of each stockholder therein on the preceding first day of May and the amount of stock owned or held by him on that day. The assessor shall assess said shares of bank stock as other taxable property in his assessment district as hereinafter provided.

Statement of capital. SECTION 5. Upon the demand of the assessor, the owner or cashier in charge of any private bank shall make out and deliver to the assessor annually on or before the first day of June a verified statement showing, on the preceding first day of May:

(1.) The par value of the capital actually paid in or voluntarily set aside as the basis of the business of such private bank and employed as the means of conducting its operation.

(2.) The amount of capital reported in the last preceding statements made to the bank examiner and to the state treasurer.

(3.) The name and residence of each owner of the capital and the proportion of the capital owned by each such owner.

The assessor shall assess said capital as other taxable property in his assessment district as hereinafter provided.

Assessment, how made; deductions. SECTION 6. Section 1057 of the statutes of 1898 is hereby amended so as to read as follows:

Section 1057. In the assessment of shares of stock in any incorporated bank the assessor shall first determine the total true cash value of all of such shares according to his best judgment. If the building in which such bank maintains its offices and transacts its business be owned by such bank, the assessed value thereof, including the land upon which it is located if owned by such bank, shall be deducted from the total value of such shares. The remainder of such total value, or the whole thereof if the bank does not own such building, divided by the total number of such shares shall be taken as the valuation for assessment of each of such shares. In the assessment of the capital of any private bank the value thereof shall be determined as above provided, and the assessed value of the banking house owned by such bank, if any, and constituting a part of the capital of such bank, shall be deducted in like manner. No deduction shall be made on account of any other real estate in the assessment of the shares of stock or capital of any bank.

Taxes a lien on shares of stock; levy and sale. SECTION 7. The taxes levied upon the shares of stock in an incorporated bank shall be a lien upon such shares from the time of the assessment on the preceding first day of May, which lien shall be prior to all other claims or liens. Such taxes and the lien therefor may be enforced by any officer having authority to collect such taxes by levy upon and sale of such shares of stock under his warrant for the collection thereof. Such levy may be made by delivering to the president or cashier of such bank, or to any other person who has at the time the custody of the books and papers thereof, a notice referring to such warrant and stating that by virtue thereof he thereby levies upon such shares of stock, designating the number of such shares, the name of the person to whom assessed and the amount of taxes thereon, for the purpose of making sale thereof to satisfy such taxes in the manner provided by law. In making sale of such shares under such warrant it shall not be necessary for such officer to exhibit or have in his possession the certificates or other evidences of such shares. Upon making such sale the officer shall issue duplicate certificates of sale in the manner specified in section 2990 of the statutes of 1898, and the purchaser at such sale shall be entitled to all the rights and remedies given in said section 2990 to purchasers of shares of corporate stock upon sale under execution.

Bank may pay tax on stock. SECTION 8. Any incorporated bank is authorized to pay such taxes on the shares of stock in such bank and shall have a lien from the preceding first day of May upon the shares of stock for the amount of the taxes so paid with interest and for any costs or expenses incurred therewith or any such bank may at its option pay such taxes for all the stockholders in such bank out of its earnings or other available resources as the expenses of such bank corporation.

SECTION 9. All acts or parts of acts inconsistent with this acts are hereby repealed.

SECTION 10. This act shall take effect and be in force from and after its passage and publication.

Approved April 3, 1903.

No. 56, A.]

[Published April 10, 1903.

CHAPTER 73.

AN ACT to amend section 1 of chapter 251 of the laws of 1899, as amended by chapter 107 of the laws of 1901, regulating the issuance of warehouse certificates in certain cases.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Certificates, by whom issued; what to recite. SECTION 1. Section 1 of chapter 251 of the laws of 1899, as amended by chapter 107 of the laws of 1901, is hereby amended by inserting after the word "in" in the second line of said section, as amended, the words "flour, bran, middlings, mixed feed"; and by inserting between the word "of" and the word "canning" in the fifth line of said section, as amended, the word "grinding"; and by inserting after the word "selling" in the sixth line of said section, as amended, the words "flour, bran, middlings, mixed feed"; and by inserting after the comma following the word "therein" in line nineteen of said section, as amended, the words "and either the grade of the commodity or", so that the said section when so amended shall read as follows: Section 1. All persons, firms, corporations owning or dealing in flour, bran, middlings, mixed feed, grains, seeds or other farm products, or engaged in the business of slaughtering cattle, sheep or hogs, and dealing in the various products therefrom, or engaged in the business of grinding, canning or pickling any products of the farm, or buying or selling, flour, bran, middlings, mixed feed, butter eggs, cheese, dressed poultry or other similar commodities, who own or control the structures wherein any such business is conducted, or such commodities stored, may issue elevator or warehouse certificates or receipts for any such commodities actually on hand and in store, including all receptacles for any of said products and commodities, the property of such person, firm or corporation, and may by the issue of such certificates, sell, assign, encumber or pledge such commodities. Such certificate or receipt shall contain the date of its issue, the name and address of the person, firm or corporation issuing the same, and the name and address of the party to whom issued, the location of the elevator, warehouse or structure wherein the commodity therein

described is stored, the quantity of each commodity mentioned therein, and either the grade of the commodity, or the brands or marks of identification thereon, if any, and shall be signed by the person, firm or corporation issuing the same.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 6, 1903.

No. 80, A.]

[Published April 10, 1903.

CHAPTER 74.

AN ACT requiring interurban railroad companies to provide certain accommodations for the comfort and convenience of their passengers.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Drinking tank; toilet room; penalty; duty of district attorney.

SECTION 1. Every person, partnership or corporation owning or operating an interurban car line in this state, the cars upon which are propelled by steam, cable, electricity or horsepower, shall provide each closed car with a suitable drinking tank, and a toilet room composed of wood, iron or other material sufficient for the comfort and convenience of passengers upon such cars, and such drinking tank and toilet room shall be at all times maintained in a sanitary condition by such person, partnership or corporation, owning or operating such interurban railway, provided, that such toilet room may be closed or locked while such car is within the limits of a corporate city. Any such person, partnership or corporation owning or operating such interurban railway, or the managing or superintending officer or agent thereof, who shall fail to comply with the provisions of this section, shall, upon conviction thereof, be punished by a fine of not less than fifty (\$50) dollars nor more than one hundred (\$100) dollars. Each day that any such person, partnership or corporation shall cause or permit any of their employes to operate such car or cars in violation of the provisions of this section, or cause or permit cars to be used or pro-

pelled in violation hereof shall be deemed a separate offense, and upon complaint of any person of a violation of this act, made before any justice of the peace of any county where said violation shall have occurred, or other officer having jurisdiction thereof, the district attorney of said county shall promptly prosecute such person, partnership or corporation; provided, that this act shall not apply to interurban railroad companies, whose railroad is less than fifteen miles in length between extreme terminal points.

SECTION 2. This act shall take effect and be in force from and after April 1st, 1904.

Approved April 6, 1903.

No. 119, A.]

[Published April 10, 1903.]

CHAPTER 75.

AN ACT to authorize Oscar Mainz, his heirs or assigns to construct and maintain a pier or dock in the waters of Sturgeon Bay.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Location of dock. SECTION 1. Oscar Mainz, his heirs or assigns, are hereby authorized and empowered to construct a dock or pier extending into the waters of Sturgeon Bay in front of, and appurtenant to lots seven (7) and eight (8), block three (3), section seven (7), town twenty-seven (27) north, and range twenty-six east.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 6, 1903.

No. 90, A.]

[Published April 10, 1903.]

CHAPTER 76.

AN ACT amendatory of section 2296 of the statutes of 1898, relating to certificate of proof and record.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Certificate of probate of will and of final judgment. SECTION 1. Section 2296 of the statutes of 1898 is hereby amended so that said section when amended shall read as follows: Section 2296. Every will, when proved and allowed as prescribed in these statutes, shall have a certificate of such proof endorsed thereon or annexed thereto, signed by the judge of the county court and attested by the seal of such court. An attested copy of every will devising lands or any interest therein and of the probate thereof and of the final judgment in the estate assigning such lands or interest therein, shall be recorded in the office of the register of deeds of the county in which the lands so devised and assigned are situated; provided however, that this act shall not apply to wills heretofore proved and allowed.

Conflicting laws repealed. SECTION 2. Any law or act conflicting or in any manner inconsistent with the provisions of this act is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 6, 1903.

No. 635, A.]

[Published April 17, 1903.

CHAPTER 77.

AN ACT to provide for the improvement of portions of streets, avenues and boulevards for park purposes.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Portions of streets, etc., for park purposes. SECTION 1. In case the common council of any city of the second, third or fourth class shall determine to improve any street, avenue or boulevard under the provisions of sections 925—175 and 925—178 of the statutes of 1898, the board of public works, or if there be no such board of public works, the officer or officers designated to perform its duties, may, as a part of such improvement, set aside and provide for the improvement of a portion of such street, avenue or boulevard for park purposes, and may determine in what manner the same shall be improved, and may assess the damages and benefits resulting from such entire improvement, including the cost of the improvement of the part of such street, avenue or boulevard so set aside for park purposes, to the several parcels of land affected thereby as provided in section 925—178 of said statutes, and shall include such determination in the report required to be made and filed by them.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 16, 1903.

No. 504, A.]

[Published April 20, 1903.

CHAPTER 78.

AN ACT relating to daily newspapers published in counties and in cities of the first, second, third and fourth class, and repealing chapter 319 of the laws of 1899.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Qualifications of dailies necessary to publish legal notices.

SECTION 1. All publishers of daily newspapers, printed in whole or in part, in a printing office at the place where such daily newspaper purports to be published in any county, or in any city of the third or fourth class, in the state of Wisconsin, shall not be awarded or be entitled to any compensation or fee for the publishing of any election notice, nomination ticket, summons, order, citation, notice of sale or other notice, and every other advertisement of any description required to be published by law, or in pursuance of any law, or of any order of any court, unless such daily newspaper shall have a bona fide circulation to actual subscribers of not less than three hundred copies per day, and shall have been regularly and continuously published in such county or in such city of the third or fourth class at least six days in each calendar week, holidays excepted, for at least two years immediately before the date of such notices. Provided, that in cities of the first and second class and in counties with a population of over two hundred and fifty thousand inhabitants, all printing and publications done for such cities or counties under contract shall not be awarded to the publisher of any daily newspaper nor shall the same be entitled to any compensation or fee, unless such daily newspaper in cities of the first and second class, and in the aforesaid counties, shall have a bona fide circulation to actual paying subscribers in a number not less than five per centum of the number of registered votes in such city or such county at the last registration prior to the last general election in such city, or county, respectively, and unless each such newspaper in said counties and in cities of the first and second class, shall have been regularly and continuously published in such county or such city each day, Sundays and holidays excepted, for at least two years immediately before the date of such notices.

Conflicting laws repealed. SECTION 2. All acts or portions of acts in conflict with the provisions hereof, including chapter 319 of the laws of 1899, are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 20, 1903.

No. 629, A.]

[Published April 21, 1903.

CHAPTER 79.

AN ACT to legalize the acts of the town board of the town of Turtle Lake, in Barron county, Wisconsin, relative to the sale and conveyance of the town cemetery.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Sale legalized. SECTION 1. The sale and conveyance of the town cemetery, situated in the village of Turtle Lake, in Barron county, Wisconsin, by the town board of the town of Turtle Lake, to L. M. Richardson, by warranty deed dated October 23d, A. D. 1899, recorded in the register of deed's office of Barron county on October 24th, A. D. 1899, in volume 22 of deeds on page 56, is hereby legalized and declared to be valid, legal and effective.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 20, 1903.

No. 594, A.]

[Published April 21, 1903.

CHAPTER 80.

AN ACT relating to the payment of judgment by garnishees and amendatory of chapter 158 of the statutes of 1898.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

SECTION 1. Chapter 158 of the statutes of 1898 is amended by creating, adding and inserting a new section which shall be known and designated as follows:

Money may be paid into court. Section 3727a. In all cases where a judgment shall be rendered against the garnishee in a court of record, or in a court not of record, the garnishee may pay into the court in which such judgment was rendered, the amount of such judgment, and take a receipt from the clerk of such court of record, or a receipt from the judge or justice of such court not of record, therefor, which shall be a full discharge and satisfaction the liability of such garnishee on such judgment and on the payment of the amount of such judgment into such court, the liability of such garnishee shall cease, except as to such greater sum as may be found due unto the plaintiff upon an appeal of a re-trial of the action.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 20, 1903.

No. 475, A.]

[Published April 21, 1903.

CHAPTER 81.

AN ACT relating to fences or other structures unnecessarily and maliciously erected for the purpose of annoying owners or occupants of adjoining property.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Fence may be a private nuisance. SECTION 1. Any fence or other structure in the nature of a fence unnecessarily exceeding six feet in height, maliciously erected or maintained for the purpose of annoying the owners or occupants of adjoining property, shall be deemed a private nuisance.

Action to abate. SECTION 2. Any such owner or occupant injured either in his comfort or in the enjoyment of his estate by such fence or other structure, may have an action of tort for the damages sustained thereby; and the provisions of the statutes of 1898, concerning actions for private nuisances, shall be applicable thereto.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 20, 1903.

No. 333, A.]

[Published April 21, 1903.]

CHAPTER 82.

AN ACT granting to the United States jurisdiction over certain lands in Sauk county.

The people of the state of Wisconsin represented in senate and assembly, do enact as follows:

Jurisdiction except for service of civil and criminal process.

SECTION 1. The consent of the state of Wisconsin is hereby given to the purchase by the United States of any tract or tracts of land in the city of Baraboo, county of Sauk, for the erection of a building under the provisions of an act of congress, approved June 6, 1902, entitled "An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes," and the state hereby cedes to the United States exclusive jurisdiction over such tract or tracts of land as shall be purchased for the purposes aforesaid, so long as they shall be or remain the owner thereof, for all purposes, except the service of civil and criminal process therein.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 20, 1903.

No. 272; A.]

[Published April 21, 1903.]

CHAPTER 83.

AN ACT amendatory of section 690, statutes of 1898, relating to rebinding and transcribing public records.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Books to be rebound and transcribed; copies as evidence.

SECTION 1. Section 690, statutes of 1898, is hereby amended by inserting after the word "be" in the fourth line of said section the words "rebound or" and by striking out the words "by the officer having charge of the same" where said words occur in the fifth line of said section and inserting in lieu thereof the words "if said order be to rebind such book, record or plat, such rebinding must be done under the direction of the officer in charge of said book, record or plat, and in his said office; if said order be to transcribe such book, record or plat, it shall be the duty of the officer having charge of the same to" so that said section when so amended shall read as follows: Section 690. When any book or public record, or the record of any town, village or city plat in any county office shall, from any cause, become unfit for use in whole or in part, the county board shall make an order that such book, record or plat be rebound or transcribed; if said order be to rebind such book, record or plat, such rebinding must be done under the direction of the officer in charge of said book, record or plat, and in his said office; if said order be to transcribe such book, record or plat, it shall be the duty of the officer having charge of the same to provide a suitable book for that purpose; and thereupon such officer shall transcribe the same in the book so provided; and carefully compare the transcript with the originals, and make the same a correct copy thereof, and shall attach to such transcript a certificate over his official signature that he has carefully compared the matter therein contained with, and that the same is a correct and literal copy of the book, record or plat from which the same was transcribed, naming such book. Such copy of book, record or plat, so certified, shall have the same effect in all respects as the original, and such original book, record or plat shall be deposited with the county treasurer and carefully preserved. The order of the county board directing

the transcribing of any book, record or plat duly certified by the county clerk shall, with such certificate, be recorded in each copy of book, record or plat transcribed. The fee of the officer for such service shall be fixed by the board, not exceeding ten cents per folio, or if such books or any part thereof consist of printed forms, not to exceed five cents per folio for such books or records, to be paid by the county.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 20, 1903.

No. 44, A.]

[Published April 21, 1903.

CHAPTER 84.

AN ACT relating to the revocation and annulment of licenses to attorneys to practice in courts of record, and amendatory of section 2586 of the statutes of 1898.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

SECTION 1. Section 2586 of the statutes of 1898 is hereby amended by creating and adding thereto the following subdivisions:

Attorneys may be disbarred. 7. The authority or license granted to any person to practice as an attorney in courts of record in this state may be suspended or revoked and annulled for the reasons now prescribed or authorized by law and by the practice of such courts, and also for the same reasons and in the manner prescribed in this section.

Complaint, how drawn, by whom made, to whom presented. 8. Three or more residents of the state, at least two of whom shall be attorneys licensed to practice in the supreme court, may make written complaint against any person described in subdivision seven. The complaint may be either positive, or on information and belief, and must be signed and verified by the oath or affirmation of those who make it. It must be en-

titled in the name of the state of Wisconsin against the defendant, be addressed to the judge of the court to which it is presented, contain the name and residence of the defendant and must state with clearness and certainty the facts constituting the alleged misconduct of defendant. It shall be presented to the judge of the circuit court for a circuit adjoining that of defendant's residence.

Place of trial; papers, how served. 9. The said circuit judge shall by order fix the place of trial in some county in his own circuit or a circuit other than that of defendant's residence, and require defendant to appear and answer or demur to the complaint within twenty days after service upon him of the complaint and order, and to file his pleading or motion in the clerk's office of the county designated as the place of trial within ten days after the time limited to plead. The said circuit judge shall cause the complaint and order to be served by the sheriff of the county where defendant resides, or by some other competent person, in the same manner as a summons, except that service by publication shall not be authorized. The original complaint and order, with proof of service, shall forthwith be filed in said clerk's office.

Prosecuting attorney appointed; duty of district attorney. 10. The judge of the court so designated as the place of trial shall make and file an order appointing one competent and disinterested attorney, who is a member of the bar of the supreme court, to conduct and prosecute the disbarment proceeding. The attorney so appointed shall file in the clerk's office his written consent to act. In case of his inability, failure to act, or negligence, a substitute may be appointed at any time with like qualifications and in like manner by the judge of the court then having jurisdiction of the proceeding. The district attorney of the county of defendant's residence shall in his county render such assistance in the preparation for trial as the prosecuting attorney shall reasonably request.

Rights of defendant. 11. The defendant may move to strike out matter, make more certain, demur or answer, as in other cases, and may file an affidavit of prejudice as provided in the next subdivision.

Disbarment proceedings. 12. The proceeding shall be a civil action triable by the court without a jury, governed by the rules and practice in equitable actions, except as different pro-

cedure is herein prescribed. An affidavit of prejudice may be filed as in other cases, but the place of trial shall not be changed. Upon the filing of such affidavit any circuit judge, other than the judge of defendant's circuit and the judge to whom the complaint was presented, may be called in to attend at the place of trial and try the action; and such judge from the time of first assuming jurisdiction of the action shall proceed with it in like manner as if it had been commenced before him. Trial may be in term time or vacation, ten days' notice whereof shall be given by the trial judge. At the commencement of the trial or during its progress the sittings may be changed as often as may be found convenient from one county to any other including that of defendant's residence, upon request of either party or the motion of the court if it shall appear that the convenience of the parties or witnesses or the speed of the cause will be served thereby. The clerk of the court need not accompany the court out of the county, but all proceedings shall be carefully taken down by the official stenographer, and the same together with all the testimony and evidence shall be transcribed in long hand or typewritten and certified and filed by him with the other papers in the case. Thereupon the clerk shall complete his record from such transcript.

Judgment; appeal. 13. Findings of fact and law and judgment thereon shall be made and exceptions may be filed and appeal taken to the supreme court as in other cases, except there shall be no appeal from a judgment acquitting defendant of the misconduct complained of. If judgment be made in vacation it shall be entered as of the last day of the preceding term. It may adjudge as follows:

1. Absolute revocation or annulment of defendant's license to practice before all courts of record of the state of Wisconsin.
2. Temporary suspension of license either for a limited time or until defendant shall restore money withheld or embezzled by him, with or without the payment of a fine and the costs of the proceeding in whole or in part.

Costs, how paid or collected. 3. The judgment may contain such other provisions with or without the foregoing as may be authorized by law.

The presiding judge shall tax the costs including witnesses', reporter's, clerk's, sheriff's, and other officers' fees, and fees for the prosecuting attorney not exceeding twenty dollars per day for the time actually employed in the trial and a reasonable

number of days to be determined and fixed by him for preparation therefor, and for the district attorney for preparation for trial. The amounts so taxed and allowed shall be certified by said judge to the secretary of state, who shall thereupon draw his warrant upon the state treasurer for the respective amounts allowed in favor of the parties named as entitled thereto. If the judgment be against the defendant, all or a part of the costs may, in the discretion of the court, be charged to him, in which case they shall, together with any fine so adjudged, be collected by the district attorney of the county where defendant resides, and by him paid into the state treasury.

Costs of disbarment under usual practice. 14. The reasonable costs of disbarment proceedings conducted under the usual practice, other than that specially provided for in this section and the subdivisions thereof, shall be taxed, paid, adjudged and collected in the same manner as herein prescribed.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 20, 1903.

No. 265, A.]

[Published April 21, 1903.]

CHAPTER 85.

AN ACT amendatory of section 3813a of the statutes of 1898, relating to discharge of mortgage, judgment, etc.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

SECTION 1. Section 3813a of the statutes of 1898, is hereby amended by inserting after the word "record" in line six thereof, the words "or any contract for the conveyance of land by such person remains unfulfilled," and by inserting after the word "record" in line ten thereof, the words "or conveying such lands," so that said section when so amended shall read as follows:

Special administrator to convey lands, discharge mortgage.

Section 3813a. Whenever it shall appear by affidavit or verified petition to the county court, that an inhabitant of such county has died, leaving no debts unpaid, or that his estate has been fully settled and the executor or administrator thereof has been discharged, and that any mortgage or judgment in favor of such deceased person remains undischarged of record, or any contract for the conveyance of land by such person remains unfulfilled, or any other act remains unperformed on the part of such person, the performance of which affects or is of importance to petitioner or any other person, the court may appoint a special administrator for the purpose of releasing and discharging such mortgage or judgment of record, or conveying such lands, or performing such other acts as may be deemed necessary in the premises. Upon the presentation of such affidavit or petition, the court shall determine whether notice of the hearing thereon shall be given, and if such notice is ordered, the order shall direct the manner and time of giving the same. If the court shall deem notice of such hearing unnecessary, it may proceed to hear the matter without notice. If the court shall appoint a special administrator it shall, in all cases, where money or property may come into his hands, require him to give a bond to the judge of said court in such sum, with such conditions and with such surety or sureties as said court shall direct. The order appointing such administrator shall require him to make to said court, without delay, a full report of his acts as such. Upon the filing of such report such further proceedings shall be had, and such further order made, in said manner by said court as it shall deem necessary. Such special administrator shall exercise no powers except those especially granted by the order of said court. When he shall have fully performed the act or acts mentioned in the order appointing him, his powers as such shall cease. The court may at any time require the administrator to make a report of his acts as such, or revoke and vacate his appointment whenever it shall deem best.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 20, 1903.

No. 616, A.]

[Published April 21, 1903.

CHAPTER 86.

AN ACT amending section 578, of the statutes of 1898, relating to instruction of deaf mutes in villages and cities, and the organization of schools therefor.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Board of education to take charge of deaf mute instruction; state aid. SECTION 1. Section 578, statutes of 1898, is hereby amended so as to read as follows: Upon application by the board of education of any village or city, made to the state superintendent, he may, by and with the consent of the state board of control, grant permission to such city or village to establish and maintain within its corporate limits one or more schools for the instruction of deaf mutes who are residents of this state. The board of education of any village or city which shall maintain one or more such schools, shall, through its clerk or secretary, report to such superintendent and board annually, and oftener if they so direct, such facts in relation to such school or schools as they may require. There shall be paid out of the state treasury annually, in the month of July, to the treasurer of every such city or village maintaining such school or schools under the charge of one or more teachers, whose qualifications shall be approved by the state superintendent, the sum of one hundred and fifty dollars for each deaf mute pupil instructed in such school or schools at least nine months during the year next preceding the first day of July, and a share of such sum proportionate to the term of instruction of any such pupil as shall be so instructed less than nine months during such year.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 20, 1903.

No. 513, A.]

[Published April 21, 1903.

CHAPTER 87.

AN ACT amendatory of section 919c of the statutes of 1898, relating to borrowing money or levying a tax upon the taxable, real and personal property in any village for the construction and maintenance of sewers and drains.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Borrowing money and raising tax. SECTION 1. Section 919c of the statutes of 1898 is hereby amended so as to read as follows: Section 919c. The president and trustees may, for the purpose of the construction of main sewers and other parts of the work chargeable to the general sewer fund provided for in this act, levy a tax on the taxable real and personal property in such village not to exceed in any one year one half of one per centum of its assessed valuation, or said president and trustees may borrow money, to the amount of one per centum of the assessed valuation of the real and personal property in such village, and issue negotiable corporate bonds therefor in the manner provided in section 942 and 943 of the statutes of 1898. The proceeds of such tax when collected or the sale of said bonds shall be devoted and appropriated exclusively to the construction and maintenance of sewers and drains as in this act provided and shall be known as the general sewer fund. The village treasurer shall not pay out any of said fund for any purpose other than the construction and maintenance of sewers and drains as in this act provided.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 20, 1903.

No. 481, A.]

[Published April 21, 1903.]

CHAPTER 88.

AN ACT to amend section 925—186 of the statutes of 1898 relating to legalizing special assessments for street improvements and providing for re-assessments of special taxes in certain cases in all cities of the first and second class in this state.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Bids, advertisements for; contracts legalized; powers conferred.

SECTION 1. Section 925—186 of the Wisconsin statutes for the year 1898 is hereby amended, so as to read as follows:

“Section 925—186. When any of the works before mentioned shall have been ordered to be done and the plans for the same, containing a description of the work, the materials to be used and such other matters as will give an intelligent idea of the work required, shall have been filed with the city clerk, where the same can be inspected by persons desiring to bid on such work, the board of public works shall advertise in the official paper of the city for bids for doing such work for such length of time as it may think the interest of the city demands, not less than once a week for four successive weeks. The board shall prepare, or cause to be prepared, a printed form for the contract, with sureties required, and furnish the same to all persons desiring to bid, and shall not consider any bid unless accompanied by a contract with sureties as prescribed by the form so furnished, completed, with the exception of the signatures on the part of the city. The notice published shall inform bidders fully of this requirement. In every city, whether operating under a general or special charter, no special assessment or certificate thereof or tax sale certificate based thereon shall be held to be invalid for the reason that any contract which has been heretofore or may hereafter be let contains, on the part of the contractor, a guaranty or any provision to keep the work done under such contract in good order or repair for a limited number of years, when such guaranty or provision was inserted therein for the purpose of insuring

the proper performance of such work in the first instance. All such provisions in contracts for doing public work, inserted for the purpose aforesaid, are hereby legalized, and all such provisions shall be deemed prima facie to have been inserted for that purpose, unless the time during which the contractor is required to keep the work in good order or repair shall exceed five years. Right and authority is hereby given to such cities to insert in contracts for the pavement of streets with asphalt the provision that the person, firm or corporation entering into any contract with such cities for the paving of its streets with asphalt shall in said contract agree with such city to permit such city to reserve and keep in its possession an amount equal to ten per cent of the total contract price for such work as a guaranty for the performance of the conditions contained in such contract; and further to furnish such city at the time of the making of such contract with a bond or undertaking in the sum equal to twenty-five per cent of the contract price of such work, conditioned for the faithful performance of all conditions and covenants contained in such contract and particularly the provisions contained in such contract with reference to the keeping in good order and repair for a definite number of years the paving work done. Such bond or undertaking shall be executed by said person, firm or corporation and by some surety or guaranty company on their behalf."

SECTION 2. All acts or parts of acts contravening the provisions of this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 20, 1903.

No. 276, A.]

[Published April 21, 1903.

CHAPTER 89.

AN ACT to reimburse the normal school fund for certain money lost on a special loan to the Eau Claire light guard company to provide an armory.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

\$1,000 appropriated. SECTION 1. There is hereby appropriated out of any money in the treasury not otherwise appropriated, the sum of one thousand (\$1,000) dollars to the normal school fund.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 20, 1903.

No. 67, S.]

[Published April 21, 1903.

CHAPTER 90.

AN ACT to change the method of selecting grand jurors, and to provide for the attendance of a stenographic reporter at the sessions of grand juries, his oath, and a penalty for the violation thereof, and also amending section 2536 of the statutes of 1898.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Grand jurors, by whom selected. SECTION 1. All persons hereafter to serve as grand jurors shall be selected by the jury commissioners now authorized by law to select petit jurors.

List of jurors, how prepared. SECTION 2. On or before the last Monday of November in each year said commissioners

shall select, from the electors of the county who possess the necessary legal qualifications for jury duty as prescribed in sections 2524 and 2530 of the statutes of 1898, the names of not less than seventy-five nor more than one hundred and fifty persons to serve as grand jurors in the county for the ensuing year, and make a list of the same. Immediately after such grand jury list has been completed said commissioners shall enter the names of the persons composing it upon a suitable record book kept for the purpose and shall certify over their respective signatures that such list is correctly entered and recorded therein and shall thereupon deposit such record book with the clerk of the court of such county who shall securely keep the same so that the grand jury list entered and recorded therein as aforesaid shall not become known. If for any cause such list shall not be made as aforesaid before the last Monday in November in each year said commissioners may make out the same at any time thereafter.

How drawn. SECTION 3. Whenever any court or judge thereof shall direct a grand jury to be summoned as provided by section 2545, said commissioners shall write the names of all the persons selected as aforesaid on separate pieces of paper, each in the same manner as nearly as may be, fold the same, so that the name written thereon shall not be visible, and deposit such pieces of paper in a box containing but one compartment. Thereupon said box shall be thoroughly shaken and the names of seventeen persons shall be drawn therefrom, one by one, in the presence of said commissioners and the presiding judge of the court ordering said grand jury to be summoned, by a child under ten years of age theretofore selected for such purpose by such judge, and the seventeen persons whose names are first drawn shall be the grand jury for said term of court. Their names shall forthwith be entered in said record book and two lists thereof shall immediately be certified by said commissioners, one to the judge and the other to the clerk of the court at which such grand jury is required to attend.

Duty of jurors; deficiency, how filled. SECTION 4. Such grand jurors so selected shall be summoned to attend the sittings of the court in the same manner as is now provided by law. In case of a deficiency of grand jurors for any cause the court may order to be drawn in the manner aforesaid from the box containing the names of persons selected to serve as grand jurors a sufficient number of names to fill the panel.

Juror not to serve more than once in three years. SECTION 5. Said jury commissioner's shall not place upon the list of grand jurors, provided for by section 2 of this act, the name of any person who shall have served as a grand juror of said county at any time within three years prior thereto.

Report progress and return indictments. SECTION 6. Said grand jury so selected may report progress and return indictments to the court from time to time during its session and until discharged.

Stenographic reporter; oath; salary; assistant. SECTION 7. Every grand jury shall have the power in addition to the appointment of one of their own number to be their clerk, as now provided by law, when ordered by the judge ordering such grand jury, to employ a competent stenographic reporter to attend all their sessions and to take down in shorthand a complete report of all proceedings had before them, and such stenographic notes shall, as soon as convenient, be transcribed into longhand by such reporter and deposited with the attorney general or with the district attorney of the county or both as the grand jury may direct. Before assuming the duties herein prescribed such reporter shall make and file an oath faithfully to report and transcribe all the proceedings before such grand jury and to keep inviolate the secrecy required by law to be kept relative to such proceedings. For every violation of such oath the person so acting as reporter shall upon conviction be punished by imprisonment in the state's prison, not less than one, nor more than five years. He shall be paid out of the county treasury of the county in which the service is rendered such sum as shall be audited and allowed by the court ordering said grand jury, not to exceed ten dollars per day for each day actually engaged before the grand jury as such stenographic reporter, and for transcribing his notes the fees now prescribed by law for similar services in courts of record. Such stenographic reporter may at his own expense employ the assistance of a competent typewriter operator in transcribing his notes of the testimony and proceedings of said grand jury, but before entering upon his duties hereunder such typewriter operator shall be required to make and file an oath similar to that required of such reporter, and shall be subject to like penalties for every violation of the provisions of such oath. The accounts of such stenographic reporter shall be approved by the presiding judge of the court ordering said grand jury.

Words repealed. SECTION 8. Section 2536 of the statutes of 1898 is hereby amended by striking out the words “grand and” in the seventh line of said section.

Conflicting laws repealed. SECTION 9. All provisions of law contravening or inconsistent with the provisions of this act are hereby repealed.

SECTION 10. This act shall take effect and be in force from and after its passage and publication.

Approved April 20, 1903.

No. 165, S.]

[Published April 30, 1903.

CHAPTER 91.

AN ACT relating to property exempt from taxation and amendatory of sub-section 2 of section 1038 of the statutes of 1898.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Property exempt; free public library. SECTION 1. Section 1038, of the statutes for 1898, is hereby amended by inserting in the first line of sub-section 2, after the word “owned” the words “or occupied free of rental, or by any free public library” so that said sub-section, when so amended, shall read as follows:

Section 1038. 2. That owned or occupied free of rental exclusively by any county, city, village, town or school district, or by any free public library, including lands possessed, managed and controlled exclusively for the public use as park lands or grounds by any city or village; but lands purchased by counties at tax sales shall be exempt only in the cases provided in section 1191.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 20, 1903.

No. 32, S.]

[Published April 21, 1903.]

CHAPTER 92.

AN ACT to amend section 316 and 317 of the statutes of 1898, relating to the printing of journals, bills, joint resolutions and memorials.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Bills, etc., how printed. SECTION 1. Section 316 of the statutes of 1898 is hereby amended so as to read as follows: Section 316. The bills, joint resolutions and memorials, to the number of five hundred copies of each, printed in bill form for the use of the legislature shall be printed on book paper from small pica type. Each page shall be seven and three-fourths inches in width and eleven inches in length, and the stock used shall be such as to cut to advantage without waste. Each page, except the first, shall contain not less than twenty-five lines of printed matter, of a width to allow a suitable margin, with a pica reglet or slug between each line. No greater space shall be left at the head of the first page than is necessary to designate the number and title of the bill, the name of the person or committee introducing the same, the day of the month and year when introduced, the house in which it shall have originated and the committee to which it has been referred. All of said bills, joint resolutions and memorials shall be punched for filing purposes with two holes seven inches apart.

Daily journals. SECTION 2. Amend section 317 of the statutes of 1898 by striking out the words "two hundred and forty" where they appear in the fifth line of the chapter and insert in lieu thereof the words "five hundred."

Further amend by adding after the word "stitched" in the seventh line of said section 317 the following: "Said copies to be punched for filing purposes with two holes five and one-half inches apart." so that said section when so amended shall read as follows: Section 317. The journals of the senate and assembly, or daily slips printed for the use of the legislature while in session, shall be printed in pamphlet form to the number of two hundred and fifty copies, on tinted paper, for examination and correction, and after the proof has been carefully read and all errors eliminated, five hundred copies shall

be printed on good printing paper, of medium octavo size, long primer type, and folded without being stitched, said copies to be punched for filing purposes with two holes five and one-half inches apart, and ten copies shall be printed from the same type upon bond paper. The matter to be printed in such journals shall correspond in style as nearly as may be, to the journals of congress of the United States. The composition of such journals or daily slips shall be in compact order, without unnecessary broken lines, and each distinct subject shall be in separate paragraphs. Such journals or daily slips, together with the work mentioned in the preceding section, shall be delivered to the sergeant-at-arms of each house of the legislature at or before nine o'clock on the morning following the session, except Sunday. Said sergeant-at-arms shall count and receipt for the same in a suitable book to be provided by the state printer.

SECTION 3. This act shall take effect and be in force from and after the first day of June, 1903.

Approved April 20, 1903.

No. 35, S.]

[Published April 21, 1903.

CHAPTER 93.

AN ACT to amend section 1941—5 of the statutes of 1898, as amended by chapter 69 of the laws of 1901, relating to mutual insurance companies in cities and villages.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Jurisdiction of company to do business. SECTION 1. Section 1941—5 as amended by chapter 69, laws of 1901, is hereby amended so as to read as follows:

Section 1941—5. Such corporations may insure property in any county in this state but in no case shall any one risk exceed fifteen hundred dollars (\$1,500), nor shall any such corporation insure any property other than dwellings, barns,

stables, sheds and their contents, except as provided in the constitution* or by-laws of the corporation.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 20, 1903.

No. 97, S.]

[Published April 21, 1903.

CHAPTER 94.

AN ACT to authorize the board of supervisors of any county in this state bordering on a navigable river which is the boundary line between such county and another state, to build and maintain a bridge or bridges across such river conjointly with the board of supervisors of such adjoining county in such other state.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Power to build and maintain bridges along navigable streams on state lands. SECTION 1. The board of supervisors of any county in this state bordering on any navigable stream which is the boundary line between such county and a county in another state is hereby authorized in conjunction with the board of supervisors of such adjoining county in such other state, to construct and maintain a bridge or bridges across such river at a place or places within the limits of such county as may be agreed upon by said respective boards of supervisors, whenever said board of supervisors in this state shall deem it necessary, and to enter into a contract with such board of supervisors of the adjoining county of such other state for the construction, maintenance and repair of such bridge or bridges.

County boards may levy tax and issue bonds; certain cities excepted. SECTION 2. The board of supervisors of such county in this state, as aforesaid, is hereby authorized to levy a special tax on all the property of such county, excepting property within the corporate limits of any city in such county which

builds and maintains its own bridges, or bond said county, exempting from any tax, levy or any liability whatsoever for the payment of said bonds, all property within the corporate limits of any city in such county which builds and maintains its own bridges, for such part of the cost of building, maintaining and repairing said bridge or bridges as shall be allotted to said county by any arrangement between the said respective boards of supervisors, respecting the building, maintaining, repairing or rebuilding the said bridge or bridges. Provided, that nothing herein contained shall be construed to contravene the provisions of sections 1319, 1320 and 1321 of the statutes of 1898, or as authorizing the levy of any tax on the property in any city which builds or maintains its bridges.

Bridges, how constructed. SECTION 3. Said bridge or bridges shall be constructed and maintained so as to offer and afford reasonable, adequate and proper means for the passage of boats, vessels, saw logs, floating timber and rafts through the same so as not to obstruct or materially interfere with the navigation of such river.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved April 20, 1903.

No. 94, S.]

[Published April 21, 1903.

CHAPTER 95.

AN ACT to authorize the attorney general to institute suit relative to school lands in Indian reservations.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Rights of state to be determined. SECTION 1. The attorney general of Wisconsin is hereby authorized to institute suit in the supreme court of the United States, under the provisions of an act of congress passed March 2d, 1901, to determine the rights of this state to what are commonly known as school lands, within any reservation or Indian concession within this

state, where any Indian tribe claims any right to or interest in said lands, or in the disposition thereof by the United States, and particularly to determine the title to the lands embraced within section 16 in the several townships constituting the present Lad River or La Pointe and the Flambeau Indian reservations within this state.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 20, 1903.

No. 160, S.]

[Published April 21, 1903.

CHAPTER 96.

AN ACT to provide for reprinting the first ten volumes of the Wisconsin historical collections.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Reprinting by state historical society. SECTION 1. The commissioners of public printing are hereby authorized to issue orders on the state printer for the publication for a page-for-page reprint of the first ten volumes of the Wisconsin historical collections, said reprint edition to be under the editorial and mechanical supervision of the secretary and superintendent of the state historical society. Said volumes shall be printed upon book paper weighing not less than eighty pounds to the ream, and be bound in the best quality of cloth; and of each volume there shall be published two thousand copies, chiefly for distribution by said society among the public institutional, and school libraries of the state. Provided, that not to exceed two volumes of said reprint edition shall be published in any one year.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 20, 1903.

No. 165, A.]

[Published April 21, 1903.]

CHAPTER 97.

AN ACT to amend chapter 90 of the laws of 1901 entitled "An act to regulate the treatment and control of dependent, neglected and delinquent children in counties having over one hundred and fifty thousand population."

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Dependent and neglected children defined, sec. 1, ch. 90, 1901.

SECTION 1. Section 1 of chapter 90 of the laws of 1901 is hereby amended to read as follows: Section 1. The provisions of this act shall only apply to counties in this state having over one hundred and fifty thousand population, as ascertained by the last state or United States census. For the purposes of this act the words "dependent child," and "neglected child," shall mean any child under the age of sixteen years, who for any reason is destitute or homeless, or abandoned, or dependent upon the public for support; or has not proper parental care or guardianship; or who habitually begs or receives alms; or who is found living in any house of ill-fame, or with any vicious or disreputable person, or whose whome by reason of neglect, cruelty or depravity on the part of its parents, guardian or other person in whose care it may be, is an unfit place for such a child; and any child under the age of eight years who is found peddling or selling any article, or singing or playing any musical instrument upon the street, or giving any public entertainment without a permit therefor, to be issued in his discretion by the judge of the juvenile court hereinafter provided for. The words "delinquent child" shall include any child, under the age of sixteen years, who violates any law of this state, the penalty for which is not imprisonment in the state prison, or who violates any city or village ordinance, or who is incorrigible; or who knowingly associates with thieves, vicious or immoral person, or who is growing up in idleness or crime; or who knowingly patronizes any place where any gaming device is or shall be operated. Where a parental school is available, a juvenile disorderly person shall be classed as a delinquent.

Who to preside; style of court; jury, how obtained. SECTION 2. Section 2 of chapter 90 of the laws of 1901 is hereby amended to read as follows: Section 2. The judges of the several state and county courts of record in counties where this act shall be in force shall, at such times as they shall determine, designate one or more of their number, whose duty it shall be to hear at such place, and time as he may set apart for such purpose, all cases coming under this act, and in case of the absence, sickness or other disability of such judge he shall designate a judge of any court of record, whose duty it shall be to act temporarily in his place. The findings of the court shall be entered in a book or books to be kept for that purpose, and known as the "Juvenile Record," and the court shall be called for convenience the "Juvenile Court," and the clerk of the court of which such judge is a member shall be the clerk of such "Juvenile Court." In all trials under this act of any dependent or delinquent child, any person interested therein may demand a jury of six, or the judge of his own motion may order a jury of the same number to try the case. Such jury when demanded or ordered shall be obtained in the manner provided in chapter 194 of the statutes of 1898, and the provisions of sections 4750 to 4758, both inclusive, of said chapter 194, shall be applicable to all such trials.

Who may bring action. SECTION 3. Section 4 of chapter 90 of the laws of 1901 is hereby amended to read as follows: Section 4. Any reputable person being a resident in the county, having knowledge of a child in his county who appears to be either neglected, dependent or delinquent, may file with the clerk of the court having jurisdiction in the matter, a petition in writing, setting forth the facts, verified by affidavit. It shall be sufficient that the affidavit is upon information and belief. The person making such affidavit shall suffer no personal risk greater than when the proceeding is upon warrant, providing said affidavit is made in good faith.

Custody of child during hearing. SECTION 4. Section 6 of chapter 90 of the laws of 1901 is hereby amended to read as follows: Section 6. When any child shall be found delinquent within the meaning of this act such finding shall be entered by the clerk, and the court may continue the hearing from time to time until such child is sixteen (16) years of age, and may commit the child to the care and guardianship of a probation officer duly appointed by the court, and may allow said child to remain in its own home, subject to the visitation

of the probation officer; such child to report to the probation officer as often as may be required, and subject to be returned to the court on the original charge for further proceedings whenever such action may appear necessary until the probation officer has filed a final report, or is dismissed from the case; or the court may commit the child to the care and guardianship of the probation officer to be placed in a suitable family, subject to the friendly supervision of such probation officer; or it may authorize the said probation officer to board out the child in some suitable family home, in case provision is made by voluntary contribution, or otherwise, for the payment of the board of such child until a suitable provision may be made for the child in a home without such payment; or the court may commit the child, if a boy, to an industrial school for boys, or if a girl, to an industrial school for girls; or the court may commit the child to the care and custody of some association or institution that will receive it, embracing in its objects the care of neglected, dependent or delinquent children. No conviction in a juvenile court shall be receivable in evidence in any other court. No costs shall be taxed against nor fines imposed upon the defendant in any case in a juvenile court.

Preliminary hearing may be held, when; bail. SECTION 5. Section 8 of chapter 90 of the laws of 1901 is hereby amended to read as follows: Section 8. When in any county where a juvenile court is held as provided in section two (2) of this act, a child under the age of sixteen years is arrested with or without a warrant, charged with the violation of any law of this state, the penalty for which is imprisonment in the state prison, the magistrate before whom the prisoner is brought shall, as soon as may be, hold a preliminary examination of the offender, and all the provisions of chapter 195 of the statutes of 1898, relative to the arrest and examination of offenders, shall be applicable, except that in case it shall appear that an offense has been committed, and that there is probable cause to believe the prisoner guilty, the magistrate shall admit the prisoner to bail or commit him for trial to the juvenile court, or to the current term of the court having jurisdiction of such cases, and the case shall immediately be placed on the calendar for trial, and all provisions of law relating to proceedings in criminal cases in circuit courts shall be applicable to the trial, sentence and commitment of such offenders in such court; provided, however, that such court may in its discretion commit such offenders as provided in section six (6) of this act.

Child under fourteen not to be committed to police station.
SECTION 6. Section 9 of chapter 90 of the laws of 1901 is hereby amended to read as follows: Section 9. No court or magistrate shall commit a child under fourteen (14) years of age to a jail or police station, but if such child is unable to give bail it may be committed to the care of the sheriff, police officer or probation officer, who shall keep such child in some suitable place which shall be provided by the county outside of the building or enclosure of any jail or police station. When any child under sixteen (16) years of age shall be sentenced to confinement in any institution to which adult convicts are sentenced, it shall be unlawful to confine such child in the same room with such adult convicts, or to confine such child in the same yard or enclosure with such adult convicts, or to bring such child into any yard, hall or room in which such adult convicts may be present.

Conflicting laws repealed. **SECTION 7.** Chapter 90 of the laws of 1901 is hereby amended by the insertion therein of a new section after section 10, to read as follows: Section 10a. All acts and parts of acts in conflict with this act are hereby repealed.

SECTION 8. This act shall take effect and be in force from and after its passage and publication.

Approved April 20, 1903.

No. 233, S.]

[Published April 21, 1903.]

CHAPTER 98.

AN ACT to amend section 1941—13 of the statutes of 1898 relating to mutual insurance companies in cities and villages.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Non-resident membership. **SECTION 1.** Section 1941—13 of the statutes of 1898 is hereby amended by striking out therefrom the last three words of line two and the first word of line three, viz.: "who owns property therein," and by striking out

therefrom the word "such" where it occurs in line three thereof, and by adding at the end thereof the following words: "unless otherwise provided at a meeting of the corporation," so that said section when amended shall read as follows: Section 1941—13. A non-resident of any city or village, within which such corporation may be formed, may become a member by insuring property in such company under the provisions hereinbefore prescribed, and shall be entitled to all the rights and privileges of a member, except that he shall not be a director or other officer, unless otherwise provided at a meeting of the corporation.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 20, 1903.

No. 245, S.]

[Published April 21, 1903.

CHAPTER 99.

AN ACT to amend sub-chapter 7 of chapter 40a of the statutes of 1898, relating to the powers of the common council.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Ornamental shade trees. SECTION 1. Subdivision 55 of section 925—52 of sub-chapter 7 of chapter 40a, statutes of 1898, is hereby amended so as to read as follows:

55. To direct and regulate and require the planting and preserving of ornamental shade trees in and along the streets and on the public grounds, and may require trees to be planted by the owners of lots in front of said lots and all improved streets and may plant trees and charge the expense thereof against the lot and may authorize all of said work to be done by and under the jurisdiction of the park commissioner.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 20, 1903.

No. 248, S.]

[Published April 21, 1903.]

CHAPTER 100.

AN ACT relating to school boards and common and high schools in cities of the first class, containing a population of one hundred fifty thousand.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Power of board of school directors to establish schools; sites, by whom selected; deeds; janitor; custodian. SECTION 1. Section 7 of chapter 186, laws of 1897, is hereby amended so as to read as follows: The board of school directors of each city in which this act shall be applicable is hereby authorized and required, subject to the approval of the common council, to establish and organize so many public schools, in addition to those already established in such city, as may be necessary for the accommodation of the children of the city entitled by the constitution and laws of the state to instruction therein. The common council, upon recommendation and request of the said board of school directors as hereinafter provided, shall erect, purchase, hire or lease buildings, improve or enlarge the same, and purchase furniture and lots for the accommodation of such public schools of said city. The selection of sites for school buildings and the adoption of plans for the erection of school buildings shall be determined by a committee consisting of the president of the common council, the city engineer, the superintendent of schools, the president of the board of school directors, and the chairman of the committee on buildings of the said board of school directors, who shall be known as the statutory committee on school sites and plans. Their decision shall be subject to the approval of the said board of school directors. The decisions of this committee in the selection of sites and of plans for school buildings, when thus approved, shall be reported to the common council, and shall not be modified or amended by the said common council except as to the amount of money appropriated for the execution of the work, the purchase of sites or the fulfillment of contracts involved. The school houses now erected and the lots on which they are situated, and the lots now or hereafter purchased for school

purposes, and the school houses thereon erected shall be the property of the city, and no lot shall be purchased or leased, nor shall any school house be erected without an ordinance or resolution duly passed by the common council. Deeds of conveyance and leases shall be made to the city. The said board of school directors shall also have the power to establish and define from time to time the boundaries of all common and high school districts, in such manner as they may deem best calculated to promote the interests of the schools. The board shall also have the power, subject to the powers and regulations of the city service commission, to employ all janitors necessary in the school houses of their city and to fix their compensation; but the principal of each school shall be custodian of all buildings and rooms occupied by the school over which he presides, and shall have the general supervision over the same, and shall direct the janitor thereof in relation to the keeping and care of such buildings and rooms.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 20, 1903.

No. 473, A.]

[Published April 22, 1903.]

CHAPTER 101.

AN ACT to amend section 153 of the statutes of 1898, relating to the state treasurer.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Surety bond authorized; cost, how paid. SECTION 1. Section 153 of the statutes of 1898, is hereby amended by adding thereto the following: "Provided, however, that in lieu of the bond above mentioned, the treasurer may give a bond executed, or the conditions thereof guaranteed, solely by a surety company as provided in section 1966-33, of the statutes of 1898, and in the event that the treasurer elects to give the bond in this provision mentioned, the cost of the same shall be borne

by the state, providing the same does not exceed one-fourth of one per cent. on the amount of said bond."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 21, 1903.

No. 47, S.]

[Published April 27, 1903.

CHAPTER 102.

AN ACT to amend section 925—269 of the statutes of 1898, relating to the jurisdiction of justices, constables, etc., in city located in two or more counties.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Jurisdiction of justices, constables, etc., in city in two or more counties. SECTION 1. Subdivision 1 of section 925—269 of the statutes of 1898, is hereby amended by striking out the words "of the county in which the action was tried," where they occur in the eighteenth and nineteenth lines of said subdivision, and inserting in lieu thereof the words "of either of said counties in which said justice has jurisdiction, the circuit court first obtaining jurisdiction of such appeal to retain such jurisdiction to the exclusion of the other circuit court," so that said subdivision when so amended shall read as follows: Section 925—269. 1. All justices of the peace and police justices shall, before entering upon the duties of their offices, take and subscribe as many oaths of office and execute as many official bonds as there are parts of counties within said city, which bonds shall have two or more sufficient sureties, to be approved by the mayor, and shall be in the form provided by the statutes: the approval of the sureties shall be endorsed upon such bonds, and the said justices of the peace and police justices shall cause one of such bonds, together with their oath of office, to be filed in the office of the clerk of the circuit court of each of said counties, and a copy of said bond, duly certified by either of said clerks, shall be prima facie evidence of the contents and execution thereof. Each of said justices of the peace and po-

lice justices shall have jurisdiction both civil and criminal co-extensive with the limits of each of the counties in which said city or any part of it is situated, and may issue process and do all things in either of said counties that any justice of the peace of such county may lawfully do. Each of said justices of the peace and police justices shall keep and hold his office within the corporate limits of said city, irrespective of the ward in which he shall reside; provided, that in case of appeal or certiorari in civil cases the papers shall be transmitted to the circuit court of either of said counties in which said justice has jurisdiction, the circuit court first obtaining jurisdiction of such appeal to retain such jurisdiction to the exclusion of the other circuit court, unless there be a county court having civil jurisdiction, and then to the county court of the county in which such action was tried; and provided further, that in case of an appeal in criminal cases or in examinations in which the justice has not final jurisdiction the papers shall be transmitted to the circuit court of the county in which the offense is charged to have been committed; and all commitments in criminal cases shall be made to the common jail of such county, except commitments for violations of a city ordinance; and provided further, in all cases, if a cause shall be removed from the justice before whom the same was commenced, the papers shall be transmitted to the nearest justice in said city, if he be competent to try the cause, but if there shall be no such justice, or if he be absent or sick, the papers shall, in civil cases, be transmitted to the nearest justice of the peace of the county in which the defendants or either of them was served with process, and in criminal cases they shall be transmitted to the nearest justice of the peace of the county in which the offense was charged to have been committed, and such nearest justice may hear, try and determine the same; and said justices of the peace and police justices shall perform the same duties, receive the same fees, and be liable to the same penalties as other justices of the peace. When execution shall be issued by either of said justices of the peace or police justices in actions of tort, and the defendant shall be imprisoned thereon, he shall be committed to and imprisoned in the jail of the county in which the cause was tried.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 24, 1903.

No. 71, S.]

[Published April 27, 1903.]

CHAPTER 103.

AN ACT to amend section 1, chapter 99, laws of 1891, an act conferring civil, criminal and appellate jurisdiction upon the county court of Waukesha county, as amended by chapter 45, laws of 1897, and by chapter 1, laws of 1899, and also amend section 24, of same act of 1891.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Jurisdiction where amount does not exceed \$100,000. SECTION 1. Section 1 of chapter 99 of the laws of 1891 as amended by chapter 45 of the laws of 1897, and as amended by section 1 of chapter 1 of the laws of 1899, is hereby amended by striking out from the twenty-second and twenty-third lines thereof the following words: "twenty-five thousand dollars" and by inserting in lieu thereof the following: "one hundred thousand dollars," so that said section when so amended will read as follows:

Section 1. The county court of the county of Waukesha, in addition to the powers and jurisdiction conferred by law upon the county courts, shall have exclusive appellate jurisdiction, in all cases of appeal from justices' courts in civil actions, and in all cases commenced in justices' courts therein where an answer shall be put in showing that the title of lands will come in question, all of which cases shall be certified, and all official returns shall be made to said county court in the manner prescribed by law; and such court shall exercise power and jurisdiction, in all civil actions and proceedings in law and equity, including the power of review of records on certiorari, discharging mortgages of record, and the exercise of any other special powers, concurrent with and equal to the jurisdiction of the circuit court of said county, when the value or amount in controversy, or the amount of money claimed or sought to be recovered, after deducting all payments and set-offs, shall not exceed one hundred thousand dollars; but said court shall have jurisdiction of all actions in said county for the foreclosure of mortgages, in which the amount claimed does not exceed the sum above specified, although the property to be affected by the judgment exceeds the amount in value; and of all actions for

divorce, or for affirmance or annulment of marriage contracts. Said county court shall have jurisdiction of all actions prosecuted therein, until it shall appear affirmatively in the progress of the action, that the amount claimed by the plaintiff after the deduction aforesaid, exceeds the amount to which jurisdiction of said court is limited, in which case the action shall be dismissed.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 24, 1903.

No. 74, S.]

[Published April 27, 1903.

CHAPTER 104.

AN ACT to authorize certain life insurance companies to transact the business of personal, accident and health insurance.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Powers of life insurance companies extended. SECTION 1. Any life insurance company, incorporated under section 1947 of the statutes for the year 1898, with a capital stock of one hundred thousand dollars fully paid up, may engage in the business of personal, accident and health insurance, as its articles of association shall provide, and may issue such contracts either independently of or in conjunction with its life or endowment policies. Any foreign life company, by complying with this section, may also be licensed to transact such business, provided, that every such company shall first comply with all the laws of Wisconsin relating to the business of personal, accident and health insurance.

SECTION 2. All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 24, 1903.

No. 88, S.]

[Published April 27, 1903.

CHAPTER 105.

AN ACT amendatory of section 764 of the statutes of 1898, relating to "fees; salary, when."

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Register of deeds; fees for duplicate report. SECTION 1. Section 764 of the statutes of 1898, is hereby amended by adding a new paragraph after the period following the words "state treasury," in the thirty-second line of said section as follows: For making a duplicate of the annual statistical return of real estate sales, to the secretary of state, to be filed with the county clerk, eight cents per folio, to be paid out of the county treasury.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 24, 1903.

No. 126, S.]

[Published April 27, 1903.

CHAPTER 106.

AN ACT permitting the filing of undertakings by surety companies as security for costs in justice court.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Surety company bond authorized. SECTION 1. Whenever a justice of the peace in a civil action shall require the plaintiff to give security for costs or other purposes, such security may be given by filing an undertaking by any surety company authorized to do business in this state, executed either before or after commencement of the action, in which undertaking the surety company shall agree to become surety for costs, or for

costs and damages, or otherwise, as required by law in the action. The undertaking may be substantially in the following form:

Whereas an action has been commenced (or is about to be commenced) in a justice court in the county of in which action is plaintiff and is defendant. Now, therefore, the company, a surety company duly authorized by law to do business in the state of Wisconsin, undertakes and agrees to become surety for costs, (or for costs and damages) in said action Dated, 19... Company. by

The undertaking, when filed, shall be accompanied with the certificate of the commissioner of insurance, or a copy thereof duly certified by him, mentioned in section 1966—34 of the statutes of 1898.

No. 139, S.]

[Published April 27, 1903.

CHAPTER 107.

AN ACT relating to asphalt street paving in cities of the first class.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Designations of name or brand void. SECTION 1. No special brand of asphalt shall be required by name to be furnished in specifications for paving or repairing of streets with asphalt in cities of the first class. Every contract made by any city of the first class, its officers or agents pursuant to or founded upon specification, plan, detail or drawing of any kind or nature requiring by name any particular or special brand of asphalt to be furnished for street paving or repairing, shall be wholly void.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 24, 1903.

No. 151, S.]

[Published April 27, 1903.

CHAPTER 108.

AN ACT to amend section 925—176 of the statutes of 1898, relating to improvements in cities, by adding a new subdivision thereto.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Permanent sidewalks. SECTION 925—176 of the statutes of 1898, is hereby amended by adding a new subdivision thereto to be numbered and read as follows:

Section 925—176a. The provisions of sub-division 176, as well as the provisions of subdivisions 190 to 197a, inclusive, shall apply in cities of the fourth class, to the building of sidewalks or curbs of cement, stone or other permanent material; provided, that such permanent sidewalk or curb shall be made to extend not less than the length or width of one block, on one side of the street.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 24, 1903.

No. 70, A.]

[Published April 27, 1903.

CHAPTER 109.

AN ACT to amend section 1759a of the statutes of 1898, relating to preferred stock.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Preferred stock; interest. SECTION 1. Section 1759a of the statutes of 1898 is hereby amended by inserting in the ninth (9th) line of said section, after the word "profits" the words—"unless otherwise expressly provided in the articles of incor-

poration" and by adding to said section the following: "All privileges accorded to preferred stock shall be stated on all certificates both of preferred and common stock," so that said section when so amended shall read as follows, to-wit: Preferred stock; interest.

Section 1759a. Corporations now existing or hereafter organized may issue preferred stock either at the time the common stock is issued in the first instance or at any time afterwards if all of the shareholders consent thereto. Such preferred stock may be so issued as to secure to the holder thereof the payment of dividends out of profits at a specified rate before dividends shall be paid upon the common stock and for the payment of such dividends accumulated or in arrears thereon; but such preferred stock shall give no preference over common stock in the distribution of corporate assets other than profits, unless otherwise expressly provided in the articles of incorporation, and unless authorized and directed by a unanimous vote of the common stockholders, which vote shall be duly recorded in the books of the corporation, and dividends thereon shall in no case be paid out of the corporate assets not accruing from profits, nor shall the same, nor the common stock, be made to bear interest. All privileges accorded to preferred stock shall be stated on all certificates, both of preferred and common stock.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 24, 1903.

No. 352, S.]

[Published April 27, 1903.

CHAPTER 110.

AN ACT relating to the county board and adding a new section to the statutes.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Vice-chairman. SECTION 1. A new section is hereby added to the statutes to be numbered and to read as follows:

Section 667a. At the time of the election of their chairman, the county board may also elect one of their number vice-chairman for the same term, who, in case of the absence, disability or death of the chairman shall perform the duties of his office.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 24, 1903.

No. 125, A.]

[Published April 27, 1903.

CHAPTER 111.

AN ACT to provide for the removal, care and support of certain children born in the Wisconsin Home for Feeble Minded, of mothers duly committed thereto, and for the payment of certain expenses incident thereto.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Child born in Home for Feeble Minded; duty of county judge; expenses. SECTION 1. If any female duly committed to the Wisconsin Home for Feeble Minded shall, while an inmate thereof and within nine months after having been committed thereto, give birth to a living child, such child may be removed from the institution by any discreet or reliable relative of the mother, or by the proper authorities of the county in which she

resided when so committed. If such child is not removed therefrom by such relative or county within a reasonable time after its birth, the superintendent shall notify the county judge of the facts of the case, and such judge shall make suitable provision for the care and comfort of the child. He may also remove such child from the Home for Feeble Minded as provided in section 597 of the revised statutes for the removal of patients from the hospitals for the insane. All proper expenses for the care and removal of such child shall be chargeable to the county in which the mother resided when so committed. Such expenses shall be paid in the first instance on the certificate of the county judge, by the said Home for Feeble Minded, and shall, together with all necessary lying-in expenses of the mother, be certified by the superintendent and charged to and collected of the proper county in the manner specified in section 573m of the statutes of 1898.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 24, 1903.

No. 142, A.]

[Published April 27, 1903.

CHAPTER 112.

AN ACT to repeal section 2 of chapter 292 of the laws of 1901, entitled "An act to authorize Angus J. McGilvray, his heirs, associates and assigns, to build a dam across the Flambeau river in Chippewa county, Wisconsin."

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Time limit repealed. SECTION 1. Section 2 of chapter 292 of the laws of 1901, entitled "An act to authorize Angus J. McGilvray, his heirs, associates and assigns to build a dam across the Flambeau river in Chippewa county, Wisconsin," is hereby repealed.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 24, 1903.

No. 576, A.]

[Published April 27, 1903.

CHAPTER 113.

AN ACT to provide for the permanent record and numbering of school districts.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Number of school district not to be changed. SECTION 1. After the first day of January, 1904, it shall not be lawful for any town board of supervisors or any town board of school directors, or any other officer or officers to change the number of any school district or sub-district, joint or entire.

Not to be revived. SECTION 2. If a district or a sub-district is dissolved, or by the exercise of proper authority attached to and made a part of another district or districts, no newly formed district shall, after January 1, 1904, be made to bear the number of the district so dissolved.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 24, 1903.

No. 193, A.]

[Published April 27, 1903.

CHAPTER 114.

AN ACT to amend chapter 145 of the laws of 1897, entitled, "An act to authorize George W. Volk and others to erect and maintain a dam across Oconto river in Oconto county, Wisconsin."

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Location of dam, purposes, and height. SECTION 1. Section 1 of chapter 145 of the laws of 1897 is hereby amended by strik-

ing out the word "ten," where the same appears in the last line of said section, and inserting in lieu thereof the word "sixteen," so that said section when so amended will read as follows:
 SECTION 1. George W. Volk, his associates, heirs and assigns, are hereby authorized to erect and maintain a dam across the Oconto river, in Oconto county, on land now owned, or which may hereafter be acquired by purchase or lease, by said George W. Volk, his associates, heirs or assigns, on lots one and three, of section twenty-six, township number twenty-eight north, of range number nineteen east, said dam to be constructed for hydraulic, manufacturing and booming purposes; and the said George W. Volk, his associates, heirs or assigns, are authorized to erect and maintain mills, machinery and necessary appendages to enable them to use the water of said stream for the aforesaid purposes; provided, that said dam shall not raise the water to exceed sixteen feet above the natural channel. Suitable fishways, such as may be required by the commissioners of fisheries, shall be built and maintained in dam hereby authorized.

Legislative rights reserved. SECTION 2. The right to amend or repeal is hereby reserved.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 24, 1908.

No. 219, A.]

[Published April 27, 1903.]

CHAPTER 115.

AN ACT amendatory of section 2020 of the statutes of 1898, relative to deposits by minors, females and trustees.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Deposits by minors, trustees, etc. SECTION 1. Section 2020 of the statutes of 1898 is hereby amended by inserting and adding after the words "savings bank" in the second line of said section the following words: "or in the savings department

of any national banking association organized under the laws of the United States, or of any bank or trust company organized under the laws of the state of Wisconsin;" so that said section when so amended shall read as follows:

Section 2020. Whenever any deposits shall be made in any savings bank, or in the savings department of any national banking association organized under the laws of the United States, or of any bank or trust company organized under the laws of the state of Wisconsin, by or in the name of any minor or female, being or thereafter becoming a married woman, the same shall be held for the exclusive right and benefit of such minor or female and free from the control or lien of all persons whatsoever except creditors, and shall be paid, with the dividends or interest thereon, to the person in whose name the deposit shall have been made; and the receipt of such minor or female shall be a sufficient release and discharge for such deposit to the bank. And whenever any deposit shall be made by any person in trust for another, and no other or further notice of the existence and terms of a legal and valid trust shall have been given in writing to such bank, in the event of the death of the trustee, the same, or any part thereof, and the dividends or interest thereon, may be paid to the person for whom the said deposit was made.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 24, 1903.

No. 231, A.]

[Published April 27, 1903.

CHAPTER 116.

AN ACT relating to the salary of commissioners of drainage districts, and amendatory of subdivision 30 of section 1379 of the statutes of 1898.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Commissioners' compensation increased. SECTION 1. Subdivision 30 of section 1379, of the statute of 1898, be and the

same is hereby amended by striking out the sentence "They shall receive for their services two dollars per day, and their actual expenses," and insert in lieu thereof the following: "They shall receive for their services three dollars and fifty cents per day and their actual expenses."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 24, 1903.

No. 287, A.]

[Published April 27, 1903.

CHAPTER 117.

AN ACT amending chapter 33 of the laws of 1893, as amended and re-enacted by chapter 301, of the laws of 1893, relating to the superior court of Douglas county.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Jurymen, how summoned. SECTION 1. Chapter 33 of the laws of 1893, as amended and re-enacted by chapter 301 of the laws of 1893, is hereby amended by adding at the end of section 8, of said chapter 33, the following: "the original venire of jurymen for each term shall be summoned by a notice prepared by the clerk of the Superior court, addressed to each of the jurymen drawn for service as aforesaid at his postoffice address, and deposited at the postoffice in Superior, postage prepaid. The clerk shall thereafter make and file a statement of such mailing, which shall be prima facie evidence of the receipt of such notice by each jurymen to whom it is addressed.

How waived by defendant. SECTION 2. Chapter 33 of the laws of 1893 is hereby further amended by adding after section 8 of said chapter the following, to be known as "Section 8a." "In all criminal actions the defendant may by filing with the clerk of said court, his consent in writing waive his right to a trial by a jury of twelve, or any part thereof, in which case the defendant shall be tried by the court, or by such number of jurymen as may be agreed upon between the state

and the defendant. In case of trial by the court the determination of the court shall have the same effect as the verdict of a jury."

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 24, 1903.

No. 394, A.]

[Published April 27, 1903.

CHAPTER 118.

AN ACT relating to proceedings in justices' courts, and amendatory of certain sections of the statutes of 1898, and adding a new section thereto.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Of nonsuit. SECTION 1. Section 3659 of the statutes of 1898 is hereby amended by adding after the word "action" in the first subdivision of said section, the words, "at any time before the argument to the jury has been concluded or waived," and by adding after the fourth subdivision of said section, the words "but a compulsory nonsuit shall not be ordered by the justice after evidence has been submitted to the jury," so that said section 3659, as so amended, shall read as follows: Section 3659. Judgment of nonsuit shall be rendered against the plaintiff prosecuting an action before a justice of the peace in the following cases:

1. If he discontinue or withdraw his action at any time before the argument to the jury has been concluded or waived.
2. If he fail to appear on the return of any process, within one hour after the same is returnable.
3. If, after an adjournment, he fail to appear within one hour after the time to which the adjournment shall have been made.
4. If he become nonsuited on the trial; but a compulsory nonsuit shall not be ordered by the justice after evidence has been submitted to the jury.

Judgment, not invalidated. SECTION 2. A new section is hereby added to the statutes to be numbered and to read as follows: Section 3616a. After the parties have appeared and tried the case upon the merits, before any justice to whom the papers have been transmitted, the judgment rendered therein shall not be held invalid for any insufficiency of the oath or affidavit for, or irregularity in, the proceedings for removal.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 24, 1903.

No. 396, A.]

[Published April 27, 1903.

CHAPTER 119.

AN ACT providing that parties to civil actions and proceedings in courts of record may be granted leave to inspect real and personal property of opposing parties in litigation, and amending the statutes of 1898 by adding one section to be known and designated as section 4095a.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Inspection of parties of property before trial. SECTION 1. The statutes of 1898 are hereby amended by adding one section thereto to be numbered and to read as follows: Section 4095a. Any party to a civil action or proceeding pending in a court of record shall have the right after issue joined to apply to said court or the presiding judge thereof for an order for the inspection by such party or his witnesses, of any real or personal property in the possession or control of an opposing party the inspection of which may be deemed material and necessary to the trial and determination of the action or proceeding.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 24, 1903.

No. 280, S.]

[Published April 27, 1903.]

CHAPTER 120.

AN ACT amendatory of section 4051 of the statutes of 1898, relating to fees in county court.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Fees. SECTION 1. Section 4051 of the statutes of 1898 is hereby amended so as to read when amended as follows: Section 4051. Fees in the county court shall be allowed as follows:

To appraisers, not less than one dollar nor more than three dollars per day, the amount of said compensation to be fixed by the court.

To commissioners to examine and adjust claims, to make partitions, or to assign dower or homestead against deceased persons, three dollars per day.

In all cases, travel, five cents per mile each way.

In cases not provided for, a reasonable compensation shall be allowed by the court.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 24, 1903.

No. 474, A.]

[Published April 27, 1903.]

CHAPTER 121.

AN ACT to amend chapter 286 of the laws of Wisconsin, for the year 1899, relating to the second municipal court of Bayfield county.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Temporary vacancy, how filled. SECTION 1. Section 6, of chapter 286 of the laws of Wisconsin for the year 1899, is

hereby amended by inserting after the word "appoint" in the fourth line of said section, the words: "the judge of the municipal court of Bayfield county or," so that said section, when amended, shall read as follows: Section 6. In case of sickness, absence or temporary disability of such municipal judge, he may, by an order in writing to be filed in said court, appoint the judge of the municipal court of Bayfield county or a justice of the peace in said county to discharge the duties of said judge during such sickness, absence or disability, who shall have the powers of such judge while administering such office.

Calling in another judge, where affidavit for prejudice filed.

SECTION 2. Section 7, of chapter 286 of the laws of Wisconsin for the year 1899, is hereby amended by inserting after the last word in the eighth line of said section the words: "he shall notify the judge of the municipal court of Bayfield county; or if,"

Also, by striking out the word "and" where the same appears in the ninth line of said section;

Also, by inserting after the word "the" in the ninth line of said section the word "subject;"

Also, by inserting after the word "of" and before the word "proceeding" where the same appear in said ninth line of said section the words "the action, examination or other;"

Also, by striking out the word "shall" where the same appears in the eleventh line of said section, and inserting in lieu thereof the words: "may at his option;"

Also, by striking out the word "shall" where the same appears in the seventeenth line of said section and inserting in lieu thereof the words "may, at his option call in the judge of the municipal court of Bayfield county to try the action, or bear the examination or other proceeding, as the case may be or;"

Also, by inserting after the word "said" where the same appears in the twenty-third line of said section, the words "judge of the municipal court of Bayfield county, or;"

Also, by inserting after the word "forthwith" where the same appears in the twenty-fourth line of said section the words "and within forty-eight hours;"

Also, by inserting after the word "judge" where the same appears in the twenty-ninth line of said section, the words "of said second municipal court;"

Also, by inserting after the word "said" where the same appears in the thirtieth line of said section the words "judge of the municipal court of Bayfield county or;"

Also, by inserting after the word "said" where the same appears in the thirty-ninth line of said section the words "judge of the municipal court of Bayfield county or;"

Also, by inserting after the word "judge" where the same appears in the last line of said section the words "of said second municipal court;"

So that said section as amended shall read as follows: Section 7. No action, examination or other proceeding shall be removed from said court, but whenever it shall appear by affidavit that the municipal judge is interested pecuniarily in the action, examination or other proceeding, or that said judge is a material witness, or is within the forbidden degrees of consanguinity, or from prejudice will not decide impartially in the matter, he shall notify the judge of the municipal court of Bayfield county; or, if the subject-matter of the action, examination or other proceeding is one of which a justice of the peace had jurisdiction, the municipal judge may, at his option, notify a justice of the peace in the county of Bayfield not disqualified to try said case or hear said examination or other proceeding as the case may be in matters or proceedings of which a justice of the peace has no jurisdiction, when such affidavit is filed, the municipal judge may, at his option, call in the judge of the municipal court of Bayfield county, to try the action or hear the examination or other proceeding as the case may be, or transfer the same to the circuit court of Bayfield county, which circuit court shall thereupon have jurisdiction to hear, try and determine the same, in the same manner and with like effect as if such examination or proceeding had been commenced in said circuit court; whereupon, it shall be the duty of the judge of the municipal court of Bayfield county, or justice so notified as aforesaid, to forthwith and within forty-eight hours, appear at the court room of said municipal court, and to discharge the duties of judge of said municipal court on trial of said case, or the hearing of said examination or other proceeding, in the same manner and with like effect as said municipal judge of said second municipal court would if not disqualified to act; and the doings of said judge of the municipal court of Bayfield county or justice of the peace, while so presiding over said municipal court shall have and be of the same force and effect as proceedings of said municipal judge, and when such action, examination or other proceeding is concluded, a like record as in other like cases shall be made in said court, and thereafter and thereupon execution may be issued as in other cases tried before said municipal judge. Said judge of the municipal court of Bayfield county or justice of

the peace while presiding over said municipal court, shall receive the same fees as are allowed by law to said municipal judge of the second municipal court for like service.

Jurisdiction to try appeals from justice court. SECTION 3. Section 15, of chapter 286 of the laws of Wisconsin for the year 1899, is hereby amended by inserting after the word "upon" where the same appears in the twelfth line of said section the word "written;"

Also, by inserting after the word "other" where the same appears in the thirteenth line of said section the words "which said notice shall state the day and hour when said action will be called for trial in said court;" so that said section as amended shall read as follows:

Section 15. Said court shall have jurisdiction to try and determine all appeals in civil actions from justices of the peace of the town of Iron River in said county; provided, that in civil cases, appealable from the justices' judgments, the party appealing may, in his option, appeal to the circuit court in Bayfield county, instead of to said municipal court. And all such cases shall be certified and returned to said municipal court within ten days after the perfection of the appeal. Any action appealed to said court may be brought on for trial upon written notice of ten days given by either party to the other; which said notice shall state the date and hour when said action will be called for trial in said court. In case neither party shall notice such appeal, or bring the same to trial within six months, the appeal shall be dismissed with ten dollars' costs against the appellant. Appeals shall be made to said court in the same manner that they are now made from justice to circuit court.

Compensation for acting judge. SECTION 4. Chapter 286, of the laws of Wisconsin for the year 1899, is hereby amended by inserting therein a new section to be numbered 16a, to read as follows:

Section 16a. Whenever the judge of the municipal court of Bayfield county, or a justice of the peace of said county shall act as judge of said court in any criminal action, examination or other proceeding, said judge of the municipal court of Bayfield county or justice, shall be entitled to receive five cents a mile for each mile actually traveled in going to and returning from Iron River, and two dollars for each day he shall be actually engaged in the trial or conduct of such action, examination or other proceeding, bills for which shall be audited

and allowed by the county board of said county as in other cases.

Conflicting laws repealed. SECTION 5. All acts and parts of acts in conflict with the provisions of the foregoing are hereby repealed.

SECTION 6. This act shall be in full force and effect from and after its passage and publication.

Approved April 24, 1903.

No. 496, A.]

[Published April 30, 1903.

CHAPTER 122.

AN ACT providing for the making and preservation of evidence of sales of property under and by virtue of chattel mortgages.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Affidavit to be filed within ten days. SECTION 1. Whenever any property covered by a chattel mortgage, or instrument intended to have the effect of a chattel mortgage, shall be taken and sold under and by virtue of such mortgage pursuant to the power of sale contained therein, the owner of such mortgage, or the person acting as the agent of such owner and conducting such sale, shall, within ten days after the sale of any property covered by such mortgage, make and file an affidavit setting forth the date of such sale, a description of the property sold, the sum then claimed to be due on the indebtedness secured by such mortgage, the amount realized on such sale, a statement in detail of the expenses of such sale including the cost of taking and keeping the property pending the sale. A copy of the notice of sale if any shall be attached to said affidavit and be deemed a part thereof.

Affidavit, where filed. SECTION 2. Such affidavit shall be filed in the office of the town, city or village clerk where the mortgage under which such sale is had was filed, or, if such mort-

gage be not so filed, then in the office of the clerk of the town, city or village where such sale was held.

Penalty. SECTION 3. Any person violating the provisions of this act shall be liable to the person personally liable for the indebtedness, in which case such person shall be entitled to recover in addition to his actual damages the sum of twenty-five dollars liquidated damages. In case of the failure of the owner of any such mortgage, or his agent conducting such sale, to comply with the provisions of this act within the time herein limited, the debt secured by such mortgage shall be deemed fully satisfied and the mortgage cancelled.

Conflicting laws repealed. SECTION 4. All acts or parts of acts inconsistent or in conflict with the provisions of this act are hereby repealed.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved April 24, 1903.

No. 577, A.]

[Published April 27, 1903.

CHAPTER 123.

AN ACT for the purpose of defining the powers of the electors of town free high school districts in the matter of providing and equipping school buildings.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Tax levy authorized. SECTION 1. Chapter 27 of the statutes of 1898 is hereby amended by the addition of a new section to be known as section 495a, which shall read as follows:

Section 495a. The electors of any town organized as a town free high school district are authorized at any annual town meeting or special town meeting, regularly called, to levy a tax upon the real and personal property of said town free high school district for the purpose of purchasing a site, erecting a suitable school building thereon, and furnishing said building

with the necessary furniture, and heating and ventilating apparatus.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 24, 1903.

No. 46, S.]

[Published April 27, 1903.

CHAPTER 124.

AN ACT validating contracts made and executed with municipal corporations by a foreign corporation before complying with the provisions of section 1770b, of the statutes of 1898, and acts amendatory thereof.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Executed contracts validated. SECTION 1. In all cases where any foreign corporation, before complying with the provisions of section 1770b, of the statutes of 1898, and acts amendatory thereof, shall have heretofore entered into and executed any contract with any municipal corporation, and such foreign corporation shall have heretofore or shall hereafter comply with the provisions of said section 1770b, and acts amendatory thereof. Such contract shall be considered as valid from the date it was entered into, and such foreign corporation shall be entitled to all rights given it under such contract, as fully as if it had complied with the provisions of said section 1770b, and acts amendatory thereof, prior to the making of such contract or proceedings relating thereto. Provided, this act shall not apply to any franchise or the extension of any franchise granted to any street railway, electric lighting, gas or water-works company, or any other public service corporation, nor to any contracts relating to such franchise or extension.

SECTION 2. This act shall be in force from and after its passage and publication.

Approved April 24, 1903.

No. 341, S.]

[Published April 27, 1903.]

CHAPTER 125.

AN ACT relating to proceedings for the disposition of estates of infants and other wards, and adding section 3519b to the statutes of 1898.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Foreign guardian may be licensed to act for ward in this state; special guardian. SECTION 1. The statutes of 1898 are hereby amended by inserting in chapter 151 thereof a new section to be numbered and to read as follows:

Section 3519b. When any infant or incompetent person residing without this state shall own any right, title or interest in or to any real estate in this state and shall have a guardian or conservator who shall have been appointed in the state, territory or district or foreign country where such infant or incompetent person resides and no guardian appointed in this state, the guardian or conservator, appointed in such state, district or territory or foreign country may file a copy of his, or its, appointment, duly authenticated, so as to make the same receivable in evidence in the circuit or county court in any county in this state, in which the real estate of such infant or incompetent person is situated. Upon the filing of such authenticated copy of such appointment, such foreign guardian or conservator may be licensed by the circuit court or the judge thereof, or by the county court of the county where such real estate is situated, to lease, mortgage, or sell the real estate of such infant or incompetent person in said county, or any portion thereof, or interest therein, in the same manner and upon the same terms and conditions and for the same purposes as prescribed in this chapter in the case of a special guardian appointed by this state. And such circuit court, or the judge thereof or such county court, may, in his or its discretion, upon the petition of such foreign guardian or conservator, appoint some suitable person residing in this state, special guardian of such infant or incompetent person to make such lease, mortgage or sale in the manner provided by this chapter. In case a special guardian shall be appointed for the purpose of making such lease, mortgage or sale, the moneys arising from such lease, mortgage or sale shall be paid out and disposed of or invested as may be di-

rected by the court or judge appointing such special guardian. The duly authenticated copy of the appointment of any guardian or conservator appointed in any other state, district, territory or foreign country together with a duly authenticated copy of the appointment of the special guardian of such infant or incompetent person, shall also be properly recorded and tract indexed in the office of the register of deeds of the county in which such real estate is situated. The expense of such record shall in all cases be borne by the grantor or special guardian.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 24, 1903.

No. 634, A.]

[Published April 28, 1903.

CHAPTER 126.

AN ACT amendatory of sections 2561 and 2562 of the statutes of 1898, relating to compensation of jurors and talesmen.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Compensation of jurors three dollars per day. SECTION 1. Section 2561 of the statutes of 1898 is hereby amended by striking out the word "two" where it appears in said section, and inserting in lieu thereof the word "three," so that when so amended, said section shall read as follows: Section 2561. Each grand and petit juror summoned upon any venire shall receive three dollars for each day's actual attendance upon any circuit court and six cents per mile for each mile actually traveled in going and returning by the most usual route; but shall be paid for no day when the court is not in session unless specially ordered by the presiding judge.

Talesman to receive three dollars per day. SECTION 2. Section 2562 of the statutes of 1898 is hereby amended by striking out the word "two" where it appears in said section, and inserting in lieu thereof the word "three," so that when so amended, said section shall read as follows: Section 2562.

Every talesman, summoned and acting as a juror, shall receive three dollars per day for each day's actual service.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 25, 1903.

No. 639, A.]

[Published April 30, 1903.

CHAPTER 127.

AN ACT to amend subsection 118, section 925, chapter 40a, of the statutes of 1898, to be designated subsection 118a, authorizing the board of education in cities of the third class to have charge of erecting school buildings in such cities.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Board of education; bids, contract, payment. SECTION 1. Section 925—118a. In all cities of the third class, the expenditure of all sums of money appropriated for the purchase of a school site, or sites, or for the erection, enlargement, alteration or repair of school buildings and for the maintenance of schools, shall be under the direction and authority of the board of education. Whenever the estimated cost of the buildings to be erected, enlarged, altered or repaired, exceeds one thousand dollars, the board of education shall make, or cause to be made, plans and specifications setting forth clearly and in detail the work to be done and the material to be used and an estimate of the cost of the same. After these plans and estimates have been adopted by the board and approved by the common council, said board shall give at least ten days' notice by advertisement in the official city paper, or in one designated by the common council, of the reception of bids for the execution of the proposed work. All bids must be sealed and accompanied by a satisfactory bond in such sum as may be designated in the advertisement for bids, signed by the bidder and two or more sureties, who shall be residents of this state, and who shall justify as to their responsibility and by their several affidavits

show that they are worth in the aggregate at least double the amount of the bond in property not by law exempt from execution in this state, or by a bond of a surety company duly licensed to transact business in this state, such bond and sureties to be approved by the board previous to the opening of the accompanying bids or proposals, and shall be conditioned that the bidder will enter into a contract with the required sureties, for the price mentioned in his proposal and according to the plans and specifications on file, in case the contract shall be awarded to him; and in case of failure on his part to execute a contract with satisfactory sureties, said bond shall be prosecuted in the name of said city and judgment recovered thereon for the full amount of the penalty thereof as liquidated damages, in any court having jurisdiction of the action, unless the common council shall by resolution direct that no action be commenced; provided, that a certified check for not less than five per cent. of the estimated cost of said proposed work may be received by said board in lieu of the bond hereinbefore provided for. The power to reject any and all bids shall be deemed to exist unless expressly waived.

All contracts entered into under this provision shall be let to the lowest bidder except as hereinafter provided. Whenever the lowest bid for any work to be let by the board shall exceed the estimates, or seem to said board to be unreasonably high, the board is authorized to reject all bids and to re-advertise the work anew; or whenever no proper bids shall be received, or whenever the lowest bid exceeds the estimate, or the lowest bidder shall be in the judgment of said board incompetent, or otherwise otherwise unreliable for the performance of the work for which he bids, the said board shall report to the common council a schedule of all the bids received together with such recommendation as the board shall choose to make with their reasons therefor, and the common council may authorize the board to let the work to the lowest competent and reliable bidder; or the council by vote of two-thirds of all its members may authorize the board to have the work done under the supervision of such person or persons as the board may designate. A written or printed contract shall be entered into for the completion of the work with a bond in such sum as the board may designate for its full performance. Said bond shall be executed by two or more sureties for the contractor, guaranteeing to the satisfaction of said board, the performance of such contract by the contractor, under the supervision and to the satisfaction of said board, each of which sureties shall make affidavit that he is a resident of the state of Wisconsin, and that

he is the owner of real estate in the state of Wisconsin, free from incumbrances, subject to execution, of a cash value equal to the penal sum of such bond, and that he is worth the estimated amount of money to be paid on such contract over and above all his debts and liabilities, in property in this state subject to execution, or by a bond of a surety company duly licensed to do business in this state.

The said board shall reserve in every contract the right to determine finally the performance of such contract, or doing of the work specified therein; and the right, in case of improper or imperfect performance thereof, to suspend such work at any time; or to order the entire reconstruction of the same, if improperly done, or to relet the same to some other competent party; and also the right, in case such work shall not be prosecuted with such diligence, and with such number of men, as to insure its completion within the time limited by the contract, to suspend such work and to relet the same to some other competent party, or to employ men and secure material for the completion of the same, and charge the cost to the contractor. And power is hereby given to the said board to adjust and determine all questions as to the amount earned under any contract by the contractor or contractors, according to the true intent and meaning of the contract; such adjustment and determination by said board shall be reported by the board to the common council, and when approved by said council shall be final between the parties and binding upon them. If the amount of damages to be paid to the city shall exceed the amount due from the city to the contractor, or contractors, according to such determination and adjustment, then the difference, or balance in favor of the city, according to such determination and adjustment, shall be recoverable by law in an action in the name of the city against such contractor, or contractors, and their sureties in any court having jurisdiction. Every contract with the city shall also contain a covenant or agreement on the part of the contractor or his sureties, that in case such contractor shall fail to fully complete and perform such contract within the time therein limited for the performance thereof, such contractor shall pay to the city as liquidated damages for such default, a certain and definite sum for each day's delay in completing the contract, after the time therein limited for its completion, which daily sum shall be determined and fixed by said board before the contract for the work shall be let and shall be stated in the advertisement for proposals for the work, and shall be inserted in the contract, and shall in no case be less than one-half of one per cent. of the aggregate cost of the work embraced in said contract.

Payments may be made at intervals as the work progresses, but no more than eighty per cent. of the value of the work actually done and material furnished shall be paid at any time before the entire completion of the work. The board of education shall have authority to employ a competent person, or persons, for the supervision of the work.

Common council may adopt. SECTION 2. In any city of the third class, the common council may adopt this subsection as provided in section 926, chapter 40b, the statutes of 1898.

Conflicting laws repealed. SECTION 3. Any acts or parts of acts affecting any city adopting this subsection, inconsistent with the provisions of this act, are hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved April 28, 1903.

No. 448. A.]

[Published April 30, 1903.]

CHAPTER 128.

AN ACT to authorize trustees of county asylums for the chronic insane and poor commissioners to organize a mutual fire insurance company for the insurance of county asylums and almshouse property.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Power conferred. SECTION 1. All duly elected and qualified trustees of county asylums for the chronic insane, or commissioners of poor in counties not having asylums in this state, are hereby empowered to enter into, and organize for and in behalf of the several counties they represent, a mutual fire insurance company for the insurance of asylums and almshouse property only, against damage by fire or lightning, in accordance with the provisions of this chapter, and each county so entering into such corporation shall be bound to pay its just

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share of all losses and legitimate expenses incurred in the operation of the aforesaid corporation.

Number; articles of organization. SECTION 2. Any number of trustees of county asylums for the chronic insane or commissioners of poor in this state, not less than twenty (20), from not less than ten (10) counties, having county asylums for chronic insane, or almshouses, which they desire to have insured, may form themselves into a corporation for mutual insurance against damage by fire or lightning, by complying with the following conditions, namely:

They shall sign articles of organization which shall be substantially in the following form:

The undersigned trustees of county asylums for chronic insane or poor commissioners, representing ten counties or more, having county asylums for chronic insane, or almshouses which we desire to insure, do hereby associate for the purpose of forming a mutual fire insurance corporation for the insurance of county asylums and almshouse property only, against damage by fire and lightning, in the counties hereinafter mentioned, under the provisions of sections —, inclusive, of the statutes of —.

The name of such corporation shall be _____.

The officers shall consist of a board of directors, not more than five in number nor more than one in any county, who shall meet and elect a president, secretary and treasurer from their number, and the office of such corporation shall be in the county from which said board of directors shall elect their secretary.

The following named persons shall constitute the first board of directors, who shall hold their respective offices for one year and until their successors are elected: (Here insert names.)

In witness whereof we have hereunto subscribed our names this _____ day of _____, A. D.

Such articles of organization shall be subscribed by at least twenty (20) duly elected and qualified trustees of ten (10) county asylums in this state, said county asylums to possess an actual value of not less than two hundred and fifty thousand dollars (\$250,000); and when said articles are so signed, a certified copy shall be filed in the office of the county clerk of each county having a county asylum for the chronic insane or almshouse insured in the said corporation; and a copy of the constitution and by-laws of such corporation shall at the same time be filed in said offices, with the names of the officers of said corporation; and thereupon the counties represented by

the trustees of their several county asylums for the chronic insane or poor commissioners subscribing said articles, and such as shall afterwards become insured thereby, shall be a corporation by the name mentioned in said articles, with the usual powers, and subject to the usual duties and the liabilities of a corporation for the purposes hereinafter mentioned. A copy of the articles, by-laws, policy, and of each blank used by such company, shall be furnished to and filed with and preserved by the commissioner of insurance.

Directors, how chosen. SECTION 3. The directors subsequent to the first board, shall be chosen by ballot at the annual meeting of the corporation, which shall be held on the first Thursday of December; unless some other day be fixed therefor by a majority of the votes of such corporation, and every county having property insured shall have one vote for every two thousand dollars (\$2,000) for which it is insured at such election, and in the transaction of all other business of the corporation. A vacancy in the board of directors shall be filled by the president for the balance of the unexpired term.

Officers, how chosen; place of meeting. SECTION 4. The directors shall hold their office for one year and until their successors are elected. They shall choose from their number a president, a secretary and a treasurer, and keep a record of all their proceedings in the book kept for that purpose, together with the names of all counties having asylum or almshouse property insured; also names of all trustees of said asylums or poor commissioners, with place of residence; also the amount for which said asylum or almshouse property is insured; which shall be open for inspection of all trustees of county asylums or poor commissioners of counties insured in said corporation, and such officers shall receive as full compensation and services rendered as such, three dollars (\$3.00) per day for actual expenses while actually and necessarily engaged in transacting the business of such corporation. The place for the annual meeting shall be determined by a majority vote of the trustees from counties having county asylum and almshouse property insured in said corporation.

Treasurer's bond. SECTION 5. The treasurer before entering upon the duties of his office, shall execute to such corporation, and file with the president a bond conditioned for the faithful discharge of the duties of his office with two or more sureties in such sum, not less than five thousand dollars

(\$5,000.00), as the directors may order; such bond and sureties to be approved by the president and a majority of the directors.

Property insurable. SECTION 6. This corporation shall insure only county asylums for the chronic insane, almshouses, barns and outbuildings on county asylum farms and almshouse farms, live stock, hay, grain, fodder, farm machinery, etc., used in the conduct and management of aforesaid farms; provided, that other county buildings, namely, court houses, work houses, and sheriffs' residences may be insured, if, by two-thirds vote, by ballot, at an annual meeting, the qualified voters of such corporation so direct.

Policies, rates; losses, how paid. SECTION 7. The board of directors may issue policies signed by the president and secretary, agreeing in the name of the corporation to pay to the insured, all loss or damage of and to the property mentioned and described therein, which may be occasioned by either of the causes mentioned in section one, and providing for such conditions of insurance as may be determined by the by-laws of such corporation, or by the resolutions of its annual meeting, but such corporation shall not make or execute any policy until a blank form for the same shall have been submitted to and approved by the commissioner of insurance; provided, that no such company shall be required to use the standard policy; and the said board of directors may classify the property insured at the time of issuing policies thereon, under different rates, corresponding as near as may be to the greater or less risk which may attach to such property, or they may accept all property on an even basis, demanding only that a sufficient protection be provided against fire by each county whose property is insured. Each county shall pay losses as they occur by an assessment being made pro rata, according to the amount of insurance carried.

Undertaking to pay losses. SECTION 8. Every county to which any such policy is issued shall be deemed a member of such corporation and shall give its undertaking bearing even date with such policy, binding itself to pay its pro rata share to the corporation of all losses or damages which may be sustained by any member thereof, and of its necessary business expenses, together with all legal costs and charges incurred in case legal proceedings are commenced to collect any assessment made upon said county, and every such undertaking shall, within ten days after its acceptance, be filed in the office of the

secretary, and shall remain on file in such office, except when required to be produced in court as evidence. Such county shall also at the time of effecting such insurance, pay such percentage in cash and such reasonable sums for a policy, as may be required by the rules or by-laws.

Notice of loss; how adjusted. SECTION 9. Whenever the trustees of any county asylum or poor commissioners shall notify the president, or, in his absence, the secretary, of any loss or damage sustained from any cause insured against, he shall forthwith convene the directors, whose duty it shall be when so convened, to appoint a committee of three trustees of county asylums or poor commissioners in said corporation, except in case the loss is supposed to be less than three hundred dollars (\$300), when the president and secretary may appoint such committee to ascertain the amount of such loss or damage; provided, that when the loss or damage does not exceed one hundred dollars (\$100), the president and secretary may in their discretion adjust the same without the appointment of any such committee.

In case of the inability of the parties to agree upon the amount of such loss or damage, the claimant may appoint one disinterested person on its part, and upon receiving notice from such claimant of such appointment, the president of such corporation shall forthwith appoint a member of such corporation, and the two persons so appointed shall forthwith proceed to appoint a third person who shall be disinterested, and the three persons so appointed shall constitute a committee of reference, who shall have full authority to examine witnesses and determine all matters in dispute, and shall make their award to the president, or in his absence, to the secretary of such corporation, which award thereon shall be final. The said committee of reference shall be allowed three dollars (\$3.00) per day for each day's service actually and necessarily rendered and their necessary expenses while engaged in the discharge of such duties, which shall be paid by the claimant unless the award of said committee shall exceed the sum offered by the corporation in liquidation of such loss or damage, in which case the said corporation shall pay said expense. Before entering upon their duties each member of said committee shall be duly sworn to faithfully and impartially discharge the duties thereof. The secretary of any such corporation may administer any oaths and take any acknowledgments necessary to adjust claims against this company, provided that he shall receive no compensation for such service.

Assessments. SECTION 10. Whenever the amount of any loss so ascertained shall exceed the amount of cash funds of the corporation, the president shall convene the board of directors who shall make an assessment upon all property insured by it, in proportion to the amount thereof and the rate under which it may have been classified, sufficient, at least, to pay such loss; provided, that such board may assess up to three per cent., even if such loss should not require such an amount; and when such assessment shall have been completed the secretary shall immediately notify every county having property insured, by sending notice by either postal or letter, to each trustee of each county asylum or poor commissioners of each almhouse insured in said corporation; said notice shall include amount of such loss and the sum due from each county as its share thereof, and the time when and to whom payment is to be made; which time shall not be less than sixty days, nor more than nine months from date of such notice. Such assessment when collected shall be turned over to the treasurer of the county entitled thereto, according to the terms of the policy issued to said county, to be credited to the asylum or poor fund of said county. The trustees of county asylums or poor commissioners of any county in said corporation shall pay all losses and other legitimate expenses by drawing upon the asylum or poor fund of said county, as other expenses of the asylums or almhouses are paid, and when any assessment shall be made against any county which shall exceed the available amount in the asylum or poor fund, the trustees or poor commissioners shall report the same to the county board of such county, which shall appropriate, at their annual meeting or any adjourned session thereof, an amount sufficient to meet such assessment. Every county which shall neglect or refuse to pay such assessment at the time specified in the notice sent to the trustees, or poor commissioners, shall pay to such corporation a fine of one per cent. of the amount of such assessment for each month or part thereof during which the same shall remain unpaid.

Liability for neglect. SECTION 11. An action at law may be brought against any county of such corporation which shall refuse or neglect to pay any such assessment made upon its insured property. The directors of any such corporation, who shall wilfully neglect or refuse for thirty days to perform the duties imposed upon them, shall be jointly and severally liable in their individual capacity to the county sustaining such loss.

Withdrawal authorized. SECTION 12. Any county of such corporation may withdraw therefrom at any time by giving

notice in writing to the president, or, in his absence, to the secretary thereof, and paying its share of all claims then existing against said corporation, and the directors, or a majority thereof, shall have power to annul any policy by giving notice in writing, to that effect, to the county asylum trustees or poor commissioners of any county having property insured in said corporation.

Secretary's annual statement. SECTION 13. The secretary of every such corporation shall annually prepare a statement of its condition on the 31st day of November, preceding its annual meeting, which shall contain the names of all counties having property insured, the amount insured by each policy, the whole number of policies issued, the whole number then in force, the aggregate amount then insured, and the aggregate amount of each class of insured property, the amount of losses paid during the year, the whole amount of losses paid and the whole amount insured by the corporation since its organization, the amount of losses sustained and unpaid, if any, and all such other matters pertaining to its interest as by the by-laws he may be required to report upon. The treasurer of such corporation shall annually prepare a statement of its financial condition on the 31st day of November, preceding its annual meeting, showing amount on hand December 1st preceding, amount received during the year for premiums, amounts received from assessments Nos. _____, amounts received from any and all other sources, amount paid for losses, amount paid for expenses, giving a detailed statement of every item of expense, and amount of cash on hand. Certified copies of said report shall be filed by the secretary within fifteen days after such meeting, together with any other information relative to the operation of said corporation, with the county clerks of counties having property insured in said corporation, and with the commissioner of insurance.

Insurance authorized; expense, how paid. SECTION 14. All counties having asylums for the care of the chronic insane, or almshouses for the care of the poor or which may hereafter build the same, may, by a majority vote of the board of trustees or poor commissioners, procure an insurance thereon, unless otherwise ordered by the county board. The expense of such insurance to be paid for out of the asylum or poor fund and to be audited and allowed in the same manner as the asylum or poor fund expenses.

Conflicting laws repealed. SECTION 15. All acts and parts of acts conflicting with this act are hereby repealed.

SECTION 16. This act shall take effect and be in force from and after its passage and publication.

Approved April 28, 1903.

No. 445, A.]

[Published April 30, 1903.

CHAPTER 129.

AN ACT to grant to the Eau Claire, Chippewa Falls and Northeastern railway company a right-of-way over and across the northeast quarter of the southwest quarter, and the northwest quarter of the southeast quarter, and the northeast quarter of the southeast quarter of section four (4), and the northwest quarter of the southwest quarter of section three (3), township twenty-eight (28) north, of range eight (8) west, in Chippewa county.

Preamble. Whereas, The said Eau Claire, Chippewa Falls and Northeastern railway company, a corporation organized and existing under the laws of the state of Wisconsin, is empowered to construct, maintain and operate a line of railroad from a point on the line of the Chicago, Saint Paul, Minneapolis and Omaha railway company, in the city of Chippewa Falls, northeasterly to Little Falls, in this state; and

Preamble. Whereas, By reason of the topography of the country and the course of the Chippewa river, it is not reasonably practicable to construct and maintain said line of road to or from said city of Chippewa Falls without its crossing the said northeast quarter of the southwest quarter, and the northwest quarter of the southeast quarter, and the northeast quarter of the southeast quarter of section four (4), and the northwest quarter of the southwest quarter of section three (3), township twenty-eight (28) north, of range eight (8) west, which belong to the state and have, with other lands, been set apart for the home for the feeble minded, in said Chippewa county; and

Preamble. Whereas, Said line has been located across said lands immediately adjoining and parallel to the line of the Wis-

consin Central railway company, and does not materially interfere with the use of said lands for the purposes of said home, but, on the contrary, is beneficial and advantageous to said home; and,

Preamble. Whereas, It is at least doubtful whether section 1857 of the statutes of 1898, or any statute of this state, is applicable to such a case, or whether any officer or board of the state is authorized to grant to said Eau Claire, Chippewa Falls and Northeastern railway company a right-of-way over or across said lands, or whether said railway company has the right under the laws to acquire such right-of-way by condemnation; therefore,

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Right of way; description. SECTION 1. The Eau Claire, Chippewa Falls and Northeastern railway company, a corporation organized and existing under the laws of the state of Wisconsin, is hereby granted a right-of-way, fifty (50) feet in width on each side of the center line of its road as now located over and across the northeast quarter of the southeast quarter, and the northwest quarter of the southwest quarter and the northeast quarter of the southwest quarter of section four (4), and the northwest quarter of the southwest quarter of section three (3), township twenty-eight (28) north, of range eight (8) west, in said Chippewa county, and the acts of said railway company in locating and constructing said railway across said subdivisions are hereby validated. The said company shall construct and maintain such a sidetrack for the purpose of unloading coal and other freight, and so located, as the board of control of the state charitable and penal institutions shall require. It shall also build and maintain a grade crossing over said right-of-way and a platform and hood for the convenience of passengers similar to those now maintained by the Wisconsin Central railway company.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 28, 1903.

No. 414, A.]

[Published April, 30, 1903.]

CHAPTER 130.

AN ACT to prohibit accident and health insurance without a license.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Penalty for doing, conducting insurance business without license. SECTION 1. Any person, partnership, corporation, sociation, society or body of persons, who shall hereafter conduct an accident or health insurance business on the mutual plan in this state without having first complied with the law and received a license from the commissioner of insurance, shall be punished by fine of not less than \$50.00 nor more than \$500.00, or by imprisonment in the county jail not less than 60 days nor more than one year or by both such fine and imprisonment. Contracting or agreeing in any way whatsoever to pay indemnity or benefits or paying indemnity or benefits to any person in case of accident or sickness shall be deemed to be an accident or health insurance business. This section shall not apply to fraternal organizations which have a regular lodge system in this state with ritualistic work.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 28, 1903.

No. 341, A.] ·

[Published April 30, 1903.

CHAPTER 131.

AN ACT to limit the number of copies of the biennial report of the dairy and food commissioner to ten thousand, and provide for the publication of quarterly bulletins by said commissioner.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Biennial report; quarterly bulletins. SECTION 1. In lieu of the twenty thousand copies of the biennial report of the dairy and food commissioner, as provided in section 335c, of the statutes of 1898, the number of copies of the said biennial report of the dairy and food commissioner shall be ten thousand, and the said dairy and food commissioner may also, with the consent of the governor, and in accordance with the laws regulating the printing and publication of public documents or bulletins, prepare, print and distribute to such persons as may be interested, or may apply therefor, a quarterly or semi-annual bulletin in suitable paper covers, containing results of inspections, results of analyses made by the chemist for the dairy and food commission, with popular explanations of the same, and such other information as may come to him in his official capacity, relating to the adulteration of food, drug and drink products, and of dairy products, so far as he may deem the same of benefit and advantage to the public; also a brief summary of the work done during the quarter by the commissioner and his assistants in the enforcement of the dairy and food laws of the state, but not more than ten thousand copies of each such quarterly bulletin shall be printed.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 28, 1903.

No. 308, A.]

[Published April 30, 1903.

CHAPTER 132.

AN ACT to amend section 18 of the statutes of 1898, relating to elections.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Liquors not sold where election held; forfeiture. SECTION 1. Section 18 of the statutes of 1898, is hereby amended by adding after the word "sold" in the fourth line of said section, on page 174, of the statutes of 1898, the following: "nor shall any beer or any other intoxicating liquors be admitted or drank in any room or booth where any election is being held," so that said section, when so amended, shall read as follows: Section 18. No election for any purpose whatever shall be held in a room where intoxicating liquors are on sale or are usually sold, nor in any room communicating with a place where such liquors are then or are usually sold, nor shall any beer or any other intoxicating liquors be admitted or drank in any room or booth where any election is being held. Any officer whose duty it shall be to hold, manage, supervise or inspect any election who shall offend against the provisions of this section shall forfeit not more than one hundred dollars nor less than twenty-five dollars, and the costs of the prosecution. Actions to recover such forfeiture may be instituted by any citizen.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 28, 1903.

No. 293, A.]

[Published April 30, 1903.

CHAPTER 133.

AN ACT to amend section 4601 of the statutes of 1898, relative to the adulteration of drugs and foods.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Adulteration, what is. SECTION 1. Section 4601 of the statutes of 1898 is hereby amended by striking out from the second paragraph of said section the following words: "Provided, that the provisions of this or the preceding section shall not apply to mixtures or compounds recognized as ordinary articles of food if the same be distinctly labeled as mixtures or compounds and from which no necessary ingredient in their preparation is eliminated," where they are used at the end of said section and substituting therefor the following: "Provided, that articles of food which are labeled, branded or tagged in a manner showing their exact character and composition and approved by the dairy and food commissioner of the state, and not containing any poisonous or deleterious ingredient, shall not be deemed adulterated in the case of mixtures or compounds sold under their own distinct names or under coined names and which articles, if substitutes, are not in imitation of, or sold under the name of any other article of food: and

Provided further, That nothing in this act shall be construed as requiring or compelling proprietors or manufacturers of proprietary foods to disclose their trade formulas except so far as may be necessary to secure freedom from adulteration, imitation or fraud, so that said section, when so amended shall read as follows:

Section 4601. An article shall be deemed to be adulterated within the meaning of the preceding section:

1. In the case of drugs: First, if, when sold under or by a name recognized in the United States pharmacopoeia, it differs from the standard of strength, quality or purity laid down in the latest current edition thereof; second, if, when sold under or by a name not recognized in said pharmacopoeia, but which is found in the pharmacopoeia of some other country, the national formulary or other standard work on materia medica, it differs materially from the standard of strength, quality or

purity laid down in the latest current edition of such work; third, if its strength, quality or purity falls below the professed standard under which it is sold.

2. In the case of food: First, if any substance or substances have been mixed with it, so as to lower or depreciate or injuriously affect its strength, quality or purity; second, if any inferior or cheaper substance or substances have been substituted wholly or in part for it; third, if any valuable or necessary ingredient has been wholly or in part abstracted from it; fourth, if it is an imitation of, or sold under the name of, another article; fifth, if it consists, wholly or in part, of a diseased, infected, decomposed, putrid, tainted or rotten animal or vegetable substance or article, whether manufactured or not; sixth, if it is colored, coated, polished or powdered, whereby damage or inferiority is concealed, or if by any means it is made to appear better or of greater value than it really is; seventh, if it contains any added substance or ingredient which is poisonous, injurious, or deleterious to health, or any deleterious substance not a necessary ingredient in its manufacture;

Provided, That articles of food which are labeled, branded or tagged in a manner showing their exact character and composition and approved by the dairy and food commissioner of the state, and not containing and poisonous or deleterious ingredient, shall not be deemed adulterated in the case of mixtures or compounds sold under their own distinct names or under coined names and which articles, if substitutes, are not in imitation of, or sold under, the name of any other article of food; and

Provided further, That nothing in this act shall be construed as requiring or compelling proprietors or manufacturers of proprietary foods to disclose their trade formulas, except so far as may be necessary to secure freedom from adulteration, imitation or fraud.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 29, 1903.

No. 65, A.]

[Published April 30, 1903.

CHAPTER 134.

AN ACT amendatory of section 751 of the statutes of 1898, relating to compensation of district attorneys.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Traveling expenses may be paid. SECTION 1. Section 751 of the statutes of 1898, is hereby amended so as to read when so amended, as follows: Section 751. The district attorney shall receive for compensation the salary fixed by the county board and no more; provided, that the county board may also in addition to such salary, allow him the amount of his expenses actually and necessarily incurred in traveling within and without his county in the discharge of the duties of his office, the same to be audited and allowed by the county board as other claims are audited and allowed; and all fees and costs recovered in civil actions in which the county is the successful party shall be paid into the county treasury; and it shall not be lawful for the county board to give or pay any fees or costs to the district attorney as part of his salary or in addition thereto.

Conflicting laws repealed. SECTION 2. All acts and parts of acts in conflict or inconsistent with the provisions of this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after the first Monday in January, A. D. 1905.
Approved April 28, 1903.

No. 275, A.]

[Published April 30, 1903.]

CHAPTER 135.

AN ACT to amend section 406a of the statutes of 1898, as amended by chapter 170, laws of 1899, as amended by chapter 370, laws of 1901, relating to an annual appropriation for the normal school fund income.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Annual tax. SECTION 1. Section 406a of the statutes of 1898, as amended by chapter 170, laws of 1899, as amended by chapter 370, laws of 1901, is hereby amended so as to read as follows: Section 406a. For the purpose of conducting and maintaining the normal schools, there shall be levied and collected annually, a state tax of two hundred and thirty thousand (230,000) dollars, which amount is hereby annually appropriated to the normal school fund income.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 28, 1903.

No. 230, A.]

[Published April 30, 1903.]

CHAPTER 136.

AN ACT relating to charges against counties on account of the support of persons committed to the Wisconsin Home for Feeble Minded, and to provide the procedure to correct mistakes in such charges.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Board of control may grant relief. SECTION 1. Whenever any county has been, or is charged with any sum on account of the support of any person heretofore committed to the Wiscon-

sin Home for Feeble Minded and it shall be claimed by such county that such person did not last reside therein before being brought to said home, and therefore that such county is not liable to be so charged, the state board of control, on the application and complaint of the aggrieved county and on proof that the complaint is true, is hereby authorized to grant the proper relief. The procedure, including the right of appeal from the decision of such board to the circuit or supreme courts, and the proceedings and judgment in the circuit court, shall be the same as is prescribed in sections 591, 592 and 593 of the statutes of 1898 in case of controversies concerning the liability of counties for the support of insane persons. Unless satisfactory proof to the contrary is produced, the county from which the person whose residence is in controversy, was committed to said Home for Feeble Minded shall be presumed to be the last residence of such person before such commitment.

Residence to be adjudicated. SECTION 2. Hereafter the judge, magistrate or board making and adjudication that any inmate of either of the charitable, reformatory or penal institutions named in section 561jj of the statutes of 1898 is an idiot or feeble minded or an epileptic, shall, if satisfactory proofs of the fact are obtained, determine in what county in this state (if in any) such inmate resided last before being committed to the institution of which he was an inmate when such adjudication was made. For the purpose of this act, the county of which such inmate was a resident when committed to the institution last above mentioned, shall be deemed and taken to be the last residence of such inmate before being committed to the Wisconsin Home for Feeble Minded.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 28, 1903.

No. 227, A.]

[Published April 30, 1903.

CHAPTER 137.

AN ACT to authorize Bo. L. Anderson and Ole Christianson, their heirs or assigns, to construct and maintain a pier or dock in the waters of Jackson harbor.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Location of dock. SECTION 1. Bo. L. Anderson and Ole Christianson, their heirs or assigns, are hereby authorized and empowered to construct and maintain a pier or dock extending into the waters of Jackson Harbor, in front of and appurtenant to and beginning on the west side of the point of lot one (1), section twenty-seven (27), town thirty-four (34), range thirty (30) east. Projections to extend east and west, and face of dock north and south.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 29, 1903.

No. 152, A.]

[Published April 30, 1903.

CHAPTER 138.

AN ACT to authorize all cities in the state of Wisconsin to punish persons who engage in fighting or affrays, or in assaults, or use of abusive or obscene language.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Fights, affrays, and assaults; abusive and obscene language.
SECTION 1. All cities in this state are authorized and the common council of any such city shall have power to enact an ordinance, or ordinances, for the punishment by fine or imprisonment, or both, of any and all persons who shall engage in

fighting or in any affray within the limits of such city; and also any person, or persons, who shall in such city assault another when not excusable or justifiable, or who shall use in reference to and in the presence of another or in reference to and in the presence of any member of his family, abusive or obscene language, intended or naturally tending to provoke an assault or any breach of the peace; provided, that the penalty imposed by such ordinance shall not exceed the penalty imposed by the statutes of the state of Wisconsin for the same or similar offenses.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 28, 1903.

No. 348, A.]

[Published April 30, 1903.

CHAPTER 139.

AN ACT amendatory to section 3821 of the statutes of 1898, relating to the filing of inventories in the probate wills.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Inventory and appraisal. SECTION 1. Amend section 3821 of the statutes of 1898 by striking out after the word "knowledge" in the fifth line of said section, the words:

"except that an executor who shall be a residuary legatee and shall have given bonds to pay all debts and legacies, as provided by section 3795, shall not be required to return an inventory," and by inserting in lieu thereof, the words: "any provision in the will to the contrary notwithstanding," so that said section will read when so amended as follows:

Section 3821. Every executor or administrator shall, within three months after his appointment, make and return into the county court a true inventory of the real estate and of all the goods, chattels, rights and credits of the deceased which shall come to his possession or knowledge, any provision in the will to the contrary notwithstanding. The estate and effects comprised in the inventory shall be appraised by two or more disinterested persons, appointed by the county court for that pur-

pose, who shall be sworn to a faithful discharge of their duty. The appraisers shall set down opposite to each item in such inventory, in plain figures, the value thereof in money, and deliver the same, certified by them, to the executor or administrator. A separate and distinct inventory and appraisement shall be made of all the household furniture and other personal property which may be allowed by the widow, pursuant to the provisions of subdivision one of section 3935, but the same shall not be assets in the hands of the executor or administrator. Where the estate is situated in two or more counties appraisers may be appointed by the court in each county.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 28, 1903.

No. 307, S.]

[Published May 5, 1903.

CHAPTER 140.

AN ACT relating to city and village mutual fire insurance companies, and creating and enacting a new section of the statutes of 1898, to be designated and numbered section 1941—1a.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Organization validated, how; amendments, how made. SECTION 1. There is hereby created and enacted a new section of the statutes of 1898, to be designated, numbered and which shall read as follows:

Section 1941—1a. Any city or village mutual fire insurance company heretofore organized may, within thirty days after this law shall take effect, file a copy of its articles of incorporation and any amendments thereto heretofore adopted, duly verified as such by the president and secretary of such incorporation in the office of the register of deeds of the county in which such corporation was organized, which when done shall validate the organization of such corporation and the amendments of its articles heretofore adopted and have the same effect as the filing of the original articles of such an incorporation

under the provisions of the last preceding section. Any city or village mutual fire insurance company may amend its articles of incorporation by a four-fifths vote of all members actually present and voting at any annual meeting, provided notice of such proposed amendments be given to the members of such corporation by mail at least thirty days before the annual meeting. It shall be the duty of the secretary to give such notice upon request therefor signed by at least ten members of the corporation. Amendments to the constitution may be made in the same manner as amendments to the articles of incorporation as herein provided. Amendments to the articles of incorporation duly verified as such by the affidavits of the president and secretary shall be recorded in the office of the register of deeds and amendments to the constitution verified in like manner shall be filed in the office of commissioner of insurance within thirty days after their adoption.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 2, 1903.

No. 49, S.]

[Published May 5, 1903.]

CHAPTER 141.

AN ACT amendatory of section 1557 of the statutes of 1898, relative to the selling, furnishing or giving away to minors intoxicating or malt liquors.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Sale to minor, intoxicated person or near hospital. SECTION 1. Section 1557 of the statutes of 1898, is hereby amended by striking out thereof, the words, "to be drank on the premises, in any quantity less than one gallon," where the same occur in lines three and four of said section, and that when so amended, said section shall read as follows: Section 1557. Any keeper of any saloon, shop or place of any name whatsoever for the sale of any strong, spirituous or malt liquors, who shall sell, vend or in any way deal or traffic in or, for the purpose of evad-

ing any law of this state relating to excise or the sale of intoxicating liquors, give away any spirituous, ardent, intoxicating or malt liquors or drinks in any quantity whatsoever to or with a minor or to any person intoxicated or bordering on a state of intoxication, and any person whatever who shall procure for or sell or give away to any minor or intoxicated person any such liquors or drinks shall be punished by a fine of not less than five dollars nor more than fifty dollars or by imprisonment in the county jail not to exceed thirty days, or by both such fine and imprisonment. No person shall sell or in any way deal or traffic in or, for the purpose of evading the law, give away any such liquors or drinks in any quantity whatsoever within one mile of either of the hospitals for the insane; and any person who shall so sell or give away any such liquors or drinks shall be punished by a fine of not less than ten dollars nor more than fifty dollars or by imprisonment in the county jail not to exceed sixty days, or by both such fine and imprisonment.

Conflicting laws repealed. SECTION 2. All acts and parts of laws in conflict herewith, are hereby repealed.

Section 3. This act shall take effect and be in force from and after its passage and publication.

Approved May 2, 1903.

No. 253, S.]

[Published May 5, 1903.

CHAPTER 142.

AN ACT to alter the boundaries of certain towns in the county of Marinette, and create the towns of Athelstane, Beaver and Lake in said county.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Territory detached; town of Amberg. SECTION 1. All that certain territory in the town of Wausaukee, Marinette county, state of Wisconsin, described as follows, to-wit: The two south tiers of sections in township No. 35 north, of range No. 20 east, and the two south tiers of sections in township No. 35 north of

range No. 21 east, also fractional town No. 35 north, of range 22 east, is hereby set off and detached from the said town of Wausaukee, in said county, and is hereby attached to and made a part of the town of Amberg in said county.

Town of Athelstane defined. SECTION 2. All that territory in the town of Wausaukee, Marinette county, state of Wisconsin, described as follows, to-wit: Township No. 35 north, of range No. 19 east, and the east one-half of township No. 34 north, of range No. 19 east, is hereby set off and detached from the said town of Wausaukee, in said county, and that certain territory in the town of Peshtigo, Marinette county, state of Wisconsin, described as follows, to-wit: Township No. 34 north, and 35 north, both in range No. 17 east, also townships No. 34 north and 35 north, all in range No. 18 east, also the north one-half of township No. 33 north, of range No. 19 east, and the west one-half of township No. 34 north, of range No. 19 east, is hereby set off and detached from the said town of Peshtigo, in said county, and the whole of the aforesaid territory so set off and detached from said towns of Wausaukee and Peshtigo as in this section provided, is hereby created and constituted a separate town, to be known and designated as the town of Athelstane, in said Marinette county.

Territory detached; town of Wausaukee. SECTION 3. All that certain territory in the town of Peshtigo, Marinette county, state of Wisconsin, described as follows, to-wit: The south one-half of township No. 33 north, of range No. 20 east, and the south one-half of township No. 33 north, of range No. 21 east, is hereby set off and detached from the said town of Peshtigo, in said county, and is hereby attached to and made a part of the town of Wausaukee, in said county.

Town of Lake defined. SECTION 4. All that certain territory in the town of Peshtigo, Marinette county, state of Wisconsin, described as follows, to-wit: Township No. 32 north, of range No. 21 east, and all that part of township No. 31 north, of range No. 21 east, which is situated north of the center of the main channel of the Peshtigo river, is hereby set off and detached from the said town of Peshtigo in said county, and is hereby created and constituted a separate town to be known and designated as the town of Lake, in said Marinette county.

Town of Beaver defined. SECTION 5. All that certain territory in the town of Crivitz of Marinette county, state of Wis-

consin, described as follows, to-wit: Township No. 32 north, of range 18 east, also the west half of township No. 32 north, of range 19 east, also the north half of townships No. 31 north, of range 19 east, and the north half of township No. 31 north, of range 20 east, is hereby set off and detached from the said town of Crivitz in said county, and that certain territory in the town of Coleman, Marinette county, Wisconsin, described as follows, to-wit: The south half of township No. 31 north, of range 19 east, and the south half of township No. 31 north, of range 20 east, is hereby set off and detached from the said town of Coleman in said county, and the whole of the aforesaid territory so set off and detached from the towns of Crivitz and Coleman, as in this section provided, is hereby created and constituted a separate town, to be known and designated as the town of Beaver, in said Marinette county.

Territory detached; town of Grover. SECTION 6. All that certain territory in the town of Peshtigo, Marinette county, state of Wisconsin, described as follows, to-wit: That part of township No. 31 north, of range No. 22 east, situated north and west of the center of the main channel of the Peshtigo river; also that part of township No. 31 north, of range 21 east, situated south of the center of the main channel of the Peshtigo river, is hereby set off and detached from the said town of Peshtigo in said county, and is hereby attached to and made a part of the town of Grover in said county.

Territory detached; town of Porterfield. SECTION 7. All that certain territory in the town of Peshtigo, Marinette county, state of Wisconsin, described as follows, to-wit: That part of township No. 31 north of range No. 22 east, situated north and east of the main channel of the Peshtigo river, and now a part of the town of Peshtigo in said county, is hereby set off and detached from the said town of Peshtigo in said county, and is hereby attached to and made a part of the town of Porterfield in said county.

Assets and liabilities apportioned. SECTION 8. The assets and liabilities of the town of Wausaukee existing at the time this act shall go into effect shall be apportioned to each town to which a portion of the said territory so detached from the said town of Wausaukee as existing after this act shall go into effect, so that the respective town retaining or acquiring a portion thereof, shall bear the same ratio to the whole of said assets and liabilities of said town of Wausaukee as existing before this

act shall go into effect, as the assessed valuation for the year 1903 of the taxable property of each of said respective portions respectively bears to that of the assessed valuation for the year 1903 of the whole of the taxable property of said town of Wausaukee as shown by the assessment rolls for the year 1903.

Assets and liabilities apportioned. SECTION 9. The assets and liabilities of the town of Peshtigo, existing at the time this act shall go into effect, shall be apportioned to each town created out of the said territory so detached from the said town of Peshtigo or to which a portion thereof is hereby attached, and the town of Peshtigo as existing after this act shall go into effect, so that the respective towns, created out of such territory or retaining or acquiring a portion thereof shall bear the same ratio to the whole of said assets and liabilities of said town of Peshtigo as existing before this act shall go into effect, as the assessed valuation for the year 1903 of the taxable property of each of said respective portions respectively, bears to that of the assessed valuation for the year 1903 of the whole of the taxable property of said town of Peshtigo as shown by the assessment rolls for the year 1903.

Assets and liabilities apportioned. SECTION 10. The assets and liabilities of the town of Crivitz, existing at the time this act shall go into effect, shall be apportioned to the said towns of Crivitz and Beaver, as existing after this act shall go into effect, so that the respective towns shall bear the same ratio to the whole of said assets and liabilities of said town of Crivitz, as existing before this act shall go into effect, as the assessed valuation for the year 1903 of the taxable property of each of said respective portions respectively bears to that of the assessed valuation for the year 1903 of the whole of the taxable property of said town of Crivitz as shown by the assessment rolls for the year 1903.

Assets and liabilities apportioned. SECTION 11. The assets and liabilities of the town of Coleman existing at the time this act shall go into effect shall be apportioned to the said towns of Coleman and Beaver as existing after this act shall go into effect, so that the respective towns shall bear the same ratio to the whole of said assets and liabilities of said town of Coleman as existing before this act shall go into effect, as the assessed valuation for the year 1903 of the taxable property of each of said respective portions, respectively bears to that of the assessed valuation for the year 1903 of the whole of the tax-

able property of said town of Coleman as shown by the assessment rolls for the year 1903.

Joint meeting of towns. SECTION 12. On the 21st day of April, A. D. 1904, at 2 p. m., the town boards of the towns of Peshtigo, Lake, Porterfield, Grover, Athelstane, Beaver, Crivitz, Coleman, Wausaukee and Amberg shall meet at the town hall in the town of Wausaukee, and the respective town boards of the towns interested under the terms of this act with each other in the apportionment of assets and liabilities, shall determine what portion of the indebtedness legally incurred by the old towns of Peshtigo, Wausaukee, Crivitz and Coleman, shall be chargeable to the new towns created by, and to the towns acquiring territory by virtue of this act, and shall also determine what portion of the credits of the towns of Wausaukee, Peshtigo, Crivitz and Coleman each of the new towns created by, and the towns acquiring territory by virtue of this act, shall be entitled to.

Liability fixed. SECTION 13. Every new town created by, and every town acquiring territory by virtue of this act, shall pay the proportion of such indebtedness so declared and found to be chargeable to such detached portions, pursuant to the preceding section, at the time the same shall become payable, and for that purpose the town board of each of such towns shall levy a tax upon all the taxable property of such portions thereof so chargeable therewith.

First town meetings, when and where held. SECTION 14. The qualified electors of the said town of Lake shall meet at the schoolhouse in section No. 17, situated in township No. 31 north, of range 21 east, in the state of Wisconsin and within said town of Lake, and the qualified electors of the said town of Athelstane shall meet at the schoolhouse in district No. 3, in section No. 11, in township No. 34 north, of range No. 19 east, in the state of Wisconsin and within said town of Athelstane, and the qualified electors in the said town of Beaver shall meet at the Armstrong schoolhouse in school district No. 4, in section 22, of township No. 31 north, of range 20 east, in the state of Wisconsin and within the said town of Beaver on the first Tuesday of April, 1904, and at each of such town meetings in each of their respective towns, in the manner provided by law, shall elect town officers for each of their respective towns. For the purpose of such town elections the qualified voters in each of said towns shall at their respective places of

meeting aforesaid between the hours of nine and eleven o'clock in the forenoon of said day choose three of their number to act as inspectors, and two ballot clerks of the election, and such inspectors and ballot clerks shall, before entering upon their respective duties, severally take the usual oath of office, and file the same with their returns, and such inspectors shall respectively canvass and return the votes cast at such election in all respects as provided by law for inspectors at annual meetings, and the qualified electors so assembled at the respective places aforesaid, may vote for judicial officers, whether for justices of the supreme court, judge of the circuit court, or county judge, or all of them, and the vote shall be counted, canvassed and returned in the same manner, and shall have the same effect as if said towns were fully organized.

When towns deemed organized. SECTION 15. When such elections shall have been held as herein provided, and the town officers in each of said towns then elected, shall have qualified as required by law, the said towns of Lake, Athelstane and Beaver shall be deemed, and shall be duly organized and shall possess all rights, powers, privileges and liabilities of other towns of the state of Wisconsin.

Authority of county board unabridged. SECTION 16. Nothing in this act shall be construed so as to abridge any of the powers of the county board of Marinette county to set off, organize, vacate, or alter the boundaries of any of the towns within Marinette county affected by this act, at any time hereafter in accordance with the powers conferred by law upon county boards.

SECTION 17. This act shall take effect and be in force from and after its passage and publication.

Approved May 2, 1903.

No. 26, S.]

[Published May 5, 1903.]

CHAPTER 143.

AN ACT to amend section 10 of chapter 288 of laws of 1901, entitled "An act to provide for the establishment and maintenance of county schools of agriculture and domestic economy and making an appropriation therefor."

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

State aid for, how obtained. SECTION 1. Section 10, chapter 288 of the laws of 1901, is hereby amended by striking out the word "two" where it occurs in the 11th line thereof, and inserting in lieu thereof the word "four"; by striking out the word "one-half" where it occurs in the 25th line thereof and inserting in lieu thereof the word "two-thirds;" by striking out the words "instruction in" where they occur in the 26th line thereof, and inserting in lieu thereof the word "maintaining;" by inserting after the word "year" where it occurs in the 26th line thereof the words "Provided, that the total amount so apportioned shall not exceed four thousand dollars to any one school any one year," and by striking out after the word "year" where it occurs in the thirty-second line thereof the words "provided, that the total amount so apportioned shall not exceed four thousand dollars in any year, and if such sum shall be less than half the aggregate amount expended for instruction in both schools, it shall be divided equally between them," so that said section, when so amended, shall read as follows: Section 10. Any school established under the provisions of this act, whose courses of study and qualifications of whose teachers have been approved by the state superintendent and the dean of the college of agriculture may, upon application, be placed upon an approved list of county schools of agriculture and domestic economy. A school once entered upon such list may remain listed and be entitled to state aid so long as the scope and character of its work are maintained in such manner as to meet the approval of the state superintendent: provided, that he shall not place upon said list more than four schools. On the first day of July in each year, the secretary of each county school board maintaining a school on the approved list, shall report to the state superintendent, setting forth the facts relating to the cost of maintaining

the school, the character of the work done, the number and names of teachers employed and such other matters as may be required by the county board or the state superintendent. Upon the receipt of such report, if it shall appear that the school has been maintained in a satisfactory manner for a period of not less than eight months, during the year closing on the thirtieth day of the preceding June, the said superintendent shall make a certificate to that effect and file it with the secretary of state. Upon receiving such certificate, the secretary of state shall draw his warrant, payable to the treasurer of the county maintaining such school, for a sum equal to two-thirds the amount actually expended for maintaining such school during the year; provided, that the total amount so apportioned shall not exceed four thousand dollars to any one school any one year; when more than one county has contributed to the support of the school, the secretary of state shall draw his warrant payable to the treasurer of each county for such portion of the state aid as the amount contributed by his county is part of the total amount contributed by all the counties for the support of the school for the preceding year. The secretary of state shall annually include and apportion in the state tax such sum as shall have been so paid.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 2, 1903.

No. 57, S.]

[Published May 5, 1903.

CHAPTER 144.

AN ACT to provide an assistant chemist and additional food, milk dairy, cheese factory and creamery inspectors for the dairy and food commissioner.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Appointments; compensation; agents and experts. SECTION 1. In addition to the provisions of section 1410 of the statutes of 1898, the dairy and food commissioner may, with the ad-

vice and consent of the governor, appoint an assistant chemist for the dairy and food commission, when needed, who shall be paid not to exceed fifty dollars per month, in the same manner as the analytical chemist is paid; he may also, with such advice and consent, appoint two agents for the inspection of foods, milk dairies, cheese factories and creameries, and to assist in the work of the dairy and food commission at such times and for such periods of time as may be required in the enforcement of the dairy and food laws. The compensation of each of said agents shall be three dollars per day for each day of actual service and his expenses to be audited by the secretary of state on the presentation of accounts approved by the dairy and food commissioner. In addition to the foregoing, the dairy and food commissioner may appoint one expert agent or more for the special inspection of cheese factories and creameries and so far as may be deemed practicable their sources of supply, for such times and periods of time as may be deemed necessary, provided that no cost for compensation or traveling expenses of said expert agents shall thereby be incurred by the dairy and food commissioner.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 2, 1903.

the school, the character of the work done, the number and names of teachers employed and such other matters as may be required by the county board or the state superintendent. Upon the receipt of such report, if it shall appear that the school has been maintained in a satisfactory manner for a period of not less than eight months, during the year closing on the thirtieth day of the preceding June, the said superintendent shall make a certificate to that effect and file it with the secretary of state. Upon receiving such certificate, the secretary of state shall draw his warrant, payable to the treasurer of the county maintaining such school, for a sum equal to two-thirds the amount actually expended for maintaining such school during the year; provided, that the total amount so apportioned shall not exceed four thousand dollars to any one school any one year; when more than one county has contributed to the support of the school, the secretary of state shall draw his warrant payable to the treasurer of each county for such portion of the state aid as the amount contributed by his county is part of the total amount contributed by all the counties for the support of the school for the preceding year. The secretary of state shall annually include and apportion in the state tax such sum as shall have been so paid.

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SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 2, 1903.

No. 640, A.]

[Published May 5, 1903.]

CHAPTER 145.

AN ACT to authorize Edward Bradley and Wallace G. Collins, their heirs, associates and assigns, to build and maintain a dam, or dams, across the Wisconsin river in sections three (3) and ten (10), township thirty-three (33) north, range six (6) east, in Lincoln county, Wisconsin, for the purpose of improving the navigation of said river, and of creating hydraulic and electric power, and transmitting and using the same.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Location of dam. SECTION 1. Edward Bradley and Wallace G. Collins, their heirs, associates and assigns, are hereby authorized to build and maintain a dam, or dams, across the Wisconsin river on any lands that they may now or hereafter own, possess or control in sections three (3) and ten (10), township thirty-three (33) north, range six (6) east, Lincoln county, Wisconsin.

Purpose. SECTION 2. They may use such dam, or dams, for the purpose of driving, booming and storing logs and timber and improving the navigation of said river. If any water power shall be created by said dam not necessary for the purpose of driving, booming and storing of logs and timber or the improvement of navigation of said river, the said Edward Bradley and Wallace G. Collins, their heirs, associates and assigns, shall have the right to use, lease and dispose of such surplus water power in conducting and carrying on any manufacturing business and electric lighting business, or in operating any street railway, and for that purpose may build raceways and flumes, and all other equipments necessary to develop and use said surplus power for such purposes.

Powers conferred. SECTION 3. In order to build and maintain said dam, or dams, and use the same for the purposes herein specified, said Edward Bradley and Wallace G. Collins, their heirs, associates and assigns, shall have the right to take

and overflow and use any land not owned or controlled by them, or any riparian right, and may acquire title to any such lands and riparian rights and the right to control and use the same for said purpose by, and through proceedings of condemnation under the power of eminent domain, as provided in sections 1777a, 1777b, 1777c and 1777d, of the statutes of 1898, and said statutes and acts amendatory thereof, are hereby made applicable to said dam, or dams, and to the acquisition of the title or right to use any lands or riparian rights for the purpose of building, maintaining and using said dam, or dams, for the purposes hereinbefore specified.

Rights reserved. SECTION 4. Said dam, or dams, shall be so constructed and maintained as not to hinder, impede or obstruct the free navigation of the Wisconsin river. Any improvement of navigation made by the construction of said dam, or dams, shall inure to the benefit of the Wisconsin River Improvement company, and shall be treated and considered as done and effected by said company, and said Improvement company shall have the same right to charge and collect tolls for the use of all improvements so effected as if it would have if it had so improved the navigation itself; and its present right to collect tolls for the use of its improvements in said river, shall be in no way diminished by the construction and maintenance of said dam, or dams.

Slides and chutes. SECTION 5. Said Edward Bradley and Wallace G. Collins, their heirs, associates and assigns, shall build and maintain and keep in repair suitable slides and chutes in said dam, or dams, for the running of logs and timber products over the same, sufficient in capacity to accommodate all logs and timber products that may be floated down said river, and shall maintain a sufficient unobstructed channel for the free passage of logs and timber products through the pond created by said dam, and all logs and other timber products destined to other points below said dam shall be taken by the owners of said dam, or dams, when they reach the flowage thereof, or reach any jam that may be caused by the stopping of logs by the works or pond of the owners of said dam, or dams, and shall be driven by such owners free of charge and with reasonable dispatch through said flowage and pond and over said dam, or dams. Provided, that the provisions of section 1601 of the statutes of 1898 shall not apply to the dam, or dams, erected under this act.

How constructed. SECTION 6. Said dam, or dams, shall be so constructed and maintained as to be capable of permitting the free and uninterrupted passage through, or over, the same of any and all floods discharged by any flooding dam further up said river for the purpose of assisting in, and facilitating, the driving of logs and other timber products below the dam, or dams, authorized by this act, and the owners of said dam, or dams, shall so maintain and operate them as to permit the free passage of all such floods without substantial impairment of their effectiveness in assisting in the driving of logs and timber products down said river, and shall be liable to damages to any person or corporation injured by failure of compliance with this section.

Fishway. SECTION 7. The dams so erected shall be provided with a good and sufficient fishway to be approved by the state board of commissioners of fisheries, and said fishway shall at all times be kept in good repair and open for the free and easy passage of fish up and down said dams. In case the owner or owners of dams shall neglect or refuse to construct or keep in repair or keep open such fishway as required by the provisions of this act, they shall, upon conviction thereof, be fined not less than twenty-five dollars, nor more than one hundred dollars.

SECTION 8. The right is reserved to the legislature to repeal or modify this act at any time.

SECTION 9. This act shall take effect and be in force from and after its passage and publication.

Approved May 2, 1903.

No. 520, A.]

[Published May 5, 1903.]

CHAPTER 146.

AN ACT amendatory of section 3913 of the statutes of 1898, relating to the appraisal of real estate for sale in county courts.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Appraisal and sale, how made. SECTION 1. Section 3913 of the statutes of 1898, is hereby amended by adding after the word "lie" in the fifth line, the words "Such appraisal shall be made according to the fair value of the lands after deducting all liens and incumbrances by mortgage or otherwise;" so that said section when so amended, shall read as follows:

Section 3913. The county court may, in its discretion, authorize an executor, administrator or guardian to have the lands which he may be licensed by said court to sell, appraised by three disinterested free holders of the county in which the lands or some part thereof lie. Such appraisal shall be made according to the fair value of the lands after deducting all liens and incumbrances by mortgage or otherwise. Such appraisal shall be under oath, which oath and appraisal shall be certified in the usual form and filed in the court from which said license was issued. The executor, administrator or guardian so licensed, shall offer the lands at public auction in the manner provided by law; and if at public auction no bid shall be made of a greater sum than the appraised value, such executor, administrator or guardian may sell such lands at private sale at a price not less than the appraised value; and if not sold within one year they may be sold at public auction.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 2, 1903.

No. 444, A.]

[Published May 5, 1903.]

CHAPTER 147.

AN ACT to facilitate the taking of testimony in contested matters or proceedings in county courts.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Phonographic reporter, duties of. SECTION 1. The judge of any county court may, whenever the occasion may require, appoint, and remove at pleasure, a phonographic reporter to attend upon the court and take the testimony of any witness, or witnesses, in any contested matter, or proceeding, that may be pending or upon trial in such court. And, whenever he shall deem it necessary, such judge may require such reporter to make and file in such court, a correct typewritten transcript of such testimony. Every person so appointed shall be deemed an officer of the court, and shall discharge such duties as the court or judge thereof shall require, and before entering upon the duties of his office, shall take and subscribe and file in such court the constitutional oath of office.

Compensation, how paid. SECTION 2. The judge of the county court shall certify to the county board of supervisors of his county the number of days, and the number of half days, of actual service performed by such reporter in the performance of said duties, and such reporter shall be allowed by the county such compensation for his services, as such county board shall deem reasonable, not exceeding five dollars for each day, and two dollars and fifty cents for each half day of such service actually rendered by him and as certified by said judge. All claims for such compensation shall be made out and filed, allowed and paid in the manner provided by chapter 36 of the statutes of 1898.

Transcript of testimony. SECTION 3. Such reporter shall furnish to any party interested a correct typewritten transcript, or copy thereof, of the testimony taken by him in any matter or proceeding mentioned in section one, upon being paid therefor at the rate of five cents per folio.

Not to apply, where. SECTION 4. This act shall not apply to, or in, any county court already provided with a phonographic reporter, under existing statutes, or under any law, general or special.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved May 2, 1903.

No. 439, A.]

[Published May 5, 1903.

CHAPTER 148.

AN ACT to appropriate to Griffith Bowen, sometimes called Griffith Roberts, the sum of \$1,399.42 which escheated to the state of Wisconsin, August 6th, 1901, for the reason that the said Griffith Roberts to all intents and purposes should be considered as the adopted child of David Bowen and Margaret Bowen, his wife, who died without issue or heirs.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Preamble. SECTION 1. Whereas, Griffith Bowen, sometimes called Griffith Roberts, at the age of six years was left an orphan, with other children, and was in the care and custody of an uncle who was unmarried and living in the state of Ohio in the year 1848; that David Bowen and Margaret Bowen his wife, both deceased, were then living in the state of Ohio; that the said David Bowen and Margaret Bowen took the said Griffith Roberts into their care and custody under the implied promise that they would adopt the said Griffith Roberts; that the said David Bowen and Margaret Bowen moved to Waukesha in the state of Wisconsin, where they lived for two years or more, on a farm; that they moved to Nekimi, in Winnebago county, where they resided for a period of sixteen years or more; that they moved to Oshkosh in said county where they both lived until their death; that during the interval between the time they took the care and custody of the said Griffith Roberts and the death of the said David Bowen, they from time to time assured him, in his presence and in the presence of others,

that if he would continue to live with them, and be a good boy he would be their son and heir and have everything possessed by them when they got through with it. And, Whereas, the said Griffith Roberts continued to live with them until he reached majority; that during his minority he lived with them on their farm and did the usual work of a son and man; that he worked for the neighbors, and that the said David Bowen collected his wages; that after he reached majority he lived with the said David Bowen and Margaret Bowen until he married; that he continued to treat the said David Bowen and Margaret Bowen as his father and mother during all these years and up to the time of their deaths; that he was present at the death of the said David Bowen; that he administered the last medicine and continued faithful to the said David Bowen and Margaret Bowen until their deaths, and that the said David Bowen and Margaret Bowen have both died without issue, without heirs or lineal descendants. And, Whereas, on the administration of the estate of Margaret Bowen, who survived David Bowen, the court has determined that she died without issue and ordered that the residue of \$1,399.42 be paid to the state of Wisconsin as an escheat; and whereas, in truth, in right and in equity the said Griffith Bowen (Roberts) should be considered as an adopted son of said David Bowen and Margaret Bowen, and said sum of money should have been paid to the said Griffith Roberts, sometimes known as Griffith Bowen. And, Whereas, said sum of \$1,399.42 was paid into the state treasury on the 16th day of August, 1901. And, Whereas, section 3937 of the statutes of 1898, provides that the state treasury shall refund any escheat to the proper owner thereof, who has not asserted claim thereto, upon his establishing his right to the same, and that a claimant of an escheat may at any time within five years after the payment of such money into the state treasury file his petition with the county court of the county where the estate was settled, setting forth his right to the same, so paid to the state treasury, and the grounds therefor and provided for a hearing thereon.

Conditional appropriation. SECTION 2. Now, therefore, there is hereby appropriated out of the money in the state treasury and of the fund so received the sum of \$1,399.42, to be paid to the said Griffith Roberts, sometimes otherwise known as Griffith Bowen, on the 16th day of August, 1906, on the condition, and if at that time there is no order or judgment of said county court of Winnebago county, based on the petition of any claimant to said fund determining who are the lawful heirs of

said Margaret Bowen, deceased, and entitled to said fund, or if any proceedings are then pending to recover said sum, said payment shall not be paid to the said Griffith Roberts until said proceedings shall have terminated adversely to the claimant.

Certificate of county judge. SECTION 3. The certificate of the county judge of Winnebago county, to the effect that there has been no further order or judgment made in the matter of the estate of Margaret Bowen, deceased, determining who are the heirs of said Margaret Bowen, and that no proceedings are now pending to determine who are the heirs of said Margaret Bowen, made after the 16th day of August, A. D. 1906, shall be sufficient proof of such fact to authorize the payment of said money to said Griffith Bowen.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved May 2, 1903.

No. 402, A.]

[Published May 5, 1903.

CHAPTER 149.

AN ACT to amend 925—21a of the statutes of 1898, relating to the detachment of territory from cities.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Detachment of territory; debts, property. SECTION 1. Section 925—21a of the statutes of 1898 is hereby amended so as to read as follows: Section 925—21a. Upon the petition of a majority of property owners owning three-fourth of the taxable real estate which it is proposed to detach, according to the last tax roll, within the corporate limits of a city of the second, third or fourth class, whether incorporated under the provisions of this chapter or by special charter, and which said taxable property is within a section adjacent to the boundary lines of any such city, the common council may by ordinance detach such real estate from such city. Such ordinance shall require for its adoption the affirmative vote of three-fourths of all the

members of such common council and if so adopted, the said property shall be detached from such city and attached to the town or towns to which the same shall be annexed and shall be taxable therein. Provided, however, that if a petition signed by five per cent. of the electors of such city be presented to such the common council, within ninety (90) days after the passage of such ordinance, demanding that such question be submitted to the electors of such city then such common council shall cause such question to be submitted to the electors of such city at the next ensuing election, and in case a majority of the electors voting on such question shall vote in favor of such proposition, then and thereafter said property shall be detached therefrom and attached to the town or towns to which the same by reason thereof becomes annexed and shall be taxable therein.

It is further provided that such common council may by a majority vote of all its members submit to the electors of such city at the next ensuing municipal election the question of detaching such real estate from such city, and in case a majority of the electors voting on such question shall vote in favor of such proposition, then and thereafter said property shall be detached therefrom and attached to the town or towns to which the same by reason thereof becomes annexed and shall be taxable therein. Any indebtedness properly chargeable to such detached territory may be adjusted between such city and the town or towns as provided by section 925—21a or 925—20, and the proceedings for such adjustment may be begun by either the town or city. Any property interest of such detached territory shall vest in the city.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 2, 1903.

No. 361, A.]

[Published May 5, 1903.

CHAPTER 150.

AN ACT to authorize common councils of cities of the second, third and fourth classes, whether organized under the general law or under special charters, to employ attorneys to assist the city attorney, or to take charge of litigation, and to create a new section in chapter 41 of the statutes of 1898, to be known as section 959—70.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Employment of assistant city attorney. SECTION 1. Chapter 41 of the statutes of 1898 is amended by creating a new section to be known and to read as follows: "Section 959—70. The common councils of cities of the second, third and fourth classes, whether organized under the general law or special charters, may employ an attorney to assist the city attorney in, or to take charge of, any matter or litigation in which the city is interested, when in the judgment of the common council it is deemed proper to employ such assistance, and may compensate him for the services so rendered."

SECTION 2. All acts or parts of acts in conflict with, or contravening the provisions of this act, are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved May 2, 1903.

No. 249, A.]

[Published May 5, 1903.

CHAPTER 151.

AN ACT to repeal sections 4082 and 4083 of the statutes of 1898, and also amendatory of section 4084, of the statutes of 1898, relating to affirmations.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Affirmations. SECTION 1. Sections number 4082 and 4083 of the statutes of 1898, are hereby repealed.

SECTION 2. Section 4084 of the statutes of 1898 is hereby amended by striking out the words "any oath or swearing in any form," where said words occur in the second line thereof, and inserting in lieu thereof the words, "the oath or swearing in the usual form," and by striking out the words "be permitted to" where said words occur in the third line thereof; so that said section when so amended shall read as follows:

Section 4084. Every person who shall declare that he has conscientious scruples against taking the oath, or swearing in the usual form, shall make his solemn declaration or affirmation.

SECTION 3. All acts and parts of acts in conflict or inconsistent with the provisions of this act are hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved May 2, 1903.

No. 349, A.]

[Published May 5, 1903.]

CHAPTER 152.

AN ACT to enable cities of the first and second class to acquire lands outside their corporate limits for hospital purposes, etc.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Lands for hospital; damages. SECTION 1. Any city of the first or second class in this state, as classified by the statutes of 1898, whether organized under general or special charter, now having or which may hereafter have a commissioner or board of health, may purchase lands or acquire by gift lands outside of the corporate limits of such city, said lands so purchased or acquired to be at least one and one-half miles from the limits of said city, and may construct and maintain thereon a hospital for the reception and treatment of persons sick with smallpox, scarlet fever, diphtheria, Asiatic cholera, or other dangerous or contagious disease. The buildings of such hospital in which such persons shall be received and treated shall be so placed as to be distant at all points not less than 600 feet from the boundary line of such lands. Provided, that any owner of land abutting upon land purchased and used by such city for such purpose may recover from such city actual damages, if any, sustained by such owner by reason of the location of such hospital.

Sick persons, how transported. SECTION 2. The commissioner or board of health of such city, or his or their assistants or employes, may transport in closed vehicles to and from such hospital any person who may be sick with smallpox, scarlet fever, diphtheria, Asiatic cholera, or other dangerous or contagious disease in such city.

Jurisdiction and control. SECTION 3. The commissioner or board of health of such city shall have full and complete jurisdiction and control of all hospitals built or established in pursuance hereof and may adopt all such rules and regulations for the government thereof, admission, commitment, transportation and treatment of all patients and persons suffering from any

such contagious disease while going to, detained in or returning from any such hospital as in the judgment of the commissioner or board shall be necessary or convenient for the efficient or proper government of such hospitals, and all laws relating to health or defining the powers of jurisdiction of such commissioner or board in any such city, shall extend and apply to every such hospital the same to all intents and purposes as though such hospital were situated within the corporate limits of such city.

Conflicting laws repealed. SECTION 4. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved May 2, 1903.

No. 239, A.]

[Published May 5, 1903.

CHAPTER 153.

AN ACT to authorize G. D. Jones and Neal Brown, their heirs, associates and assigns, to build and maintain a dam across the Wisconsin river in sections thirteen (13) or fourteen (14), in township thirty (30) north, range seven (7) east, in Marathon county, Wisconsin, for the purpose of improving the navigation of said river and of creating hydraulic and electric power and transmitting and using the same.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Location of dam. SECTION 1. G. D. Jones and Neal Brown, their heirs, associates and assigns, are hereby authorized to build and maintain a dam across the Wisconsin river on any lands they may now own or may hereafter own, possess, or control in sections thirteen (13) and fourteen (14), in township thirty (30) north, range seven (7) east, in Marathon county, Wisconsin.

Purpose. SECTION 2. They may use such dam for the purpose of driving, booming and storing of logs and timber and improving the navigation of said river. If any water power shall be created by said dam not necessary for the purpose of driving, booming and storing of logs and timber or the improvement of the navigation of said river, the said G. D. Jones and Neal Brown, their heirs, associates and assigns, shall have the right to use, lease and dispose of such surplus water power in conducting and carrying on any manufacturing business and electric lighting business, or in operating any street railway, and for that purpose may build raceways and flumes and all other equipment necessary to develop and use such surplus power for such purposes.

Powers conferred. SECTION 3. In order to build and maintain said dam and use the same for the purposes herein specified, the said G. D. Jones and Neal Brown, their heirs, associates and assigns, shall have the right to take and overflow and use any lands or riparian rights not owned or controlled by them, and may acquire title to any such lands or riparian rights, and the right to control and use the same for said purposes by and through proceedings of condemnation under the power of eminent domain as provided in sections 1777a, 1777b, 1777c, 1777d and 1777e of the statutes of 1898, and said statutes and acts amendatory thereof, are hereby made applicable to said dam and the acquisition of the title or right to use any lands or riparian rights for the purpose of building, maintaining and using said dam for the purposes hereinbefore specified.

How constructed. SECTION 4. Said dam shall be so constructed and maintained as not to hinder, impede or obstruct the free navigation of the Wisconsin river. And said G. D. Jones and Neal Brown, their heirs, associates and assigns, shall build, maintain and keep in repair suitable slides and chutes in said dam, for the running of logs and timber products over the same, sufficient in capacity to accommodate all logs and timber products that may be floated down said river, and shall maintain a sufficient unobstructed channel for the free passage of logs and timber products through the pond created by said dam; and all logs and timber products destined to points below said dam, shall be taken by the owners of said dam when they reach the flowage thereof, or reach any jam that may be caused by the stopping of logs by the works or pond of the owners of said dam, and shall be driven by such owners free of charge and with reasonable dispatch through

said flowage and pond, and over said dam. Provided, that the provisions of section 1601 of the statutes of 1898 shall not apply to the dam erected under this act.

Free passage for logs. SECTION 5. Said dam shall be so constructed and maintained as to be capable of permitting the free and uninterrupted passage through or over the same of any and all floods, discharged by any flooding dam further up said river for the purpose of assisting in and facilitating the driving of logs and other timber products below said dam authorized by this act, and the owners of said dam shall so maintain and operate it as to permit the free passage of all such floods without substantial impairment of their effectiveness, in assisting in the driving of logs and timber products down said river and shall be liable in damages to any person or corporation injured by failure to comply with this section.

Fishway. SECTION 6. The dam so erected shall be provided with a good and sufficient fishway to be approved by the state board of commissioners of fisheries, and said fishways shall at all times be kept in good repair and open for the free and easy passage of fish up and down said stream. In case the owner or owners of said dam shall neglect or refuse to keep in repair or to keep open such fishway, as required by the provisions of this act, they shall upon conviction thereof, be fined not less than twenty-five dollars nor more than one hundred dollars. The dam so erected shall be provided with such piers and guide booms as may be necessary for the free and safe passage of logs at the expense of the owners of said dam.

SECTION 7. The right is reserved to the legislature to repeal or modify this act at any time.

SECTION 8. This act shall take effect and be in force from and after its passage and publication.

Approved May 2, 1903.

No. 236, A.]

[Published May 5, 1903.

CHAPTER 154.

AN ACT to authorize Alexander Stewart and Walter Alexander, their heirs, associates and assigns, to build and maintain a dam or dams across the Wisconsin river in sections nineteen (19), twenty (20), twenty-nine (29), thirty (30), and thirty-one (31), township thirty-three (33) north, range six (6), and section (6) in township (32) north, range (6) east, in Lincoln county, Wisconsin, for the purpose of improving the navigation of said river, and of creating hydraulic and electric power and transmitting and using the same.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Location of dams. SECTION 1. Alexander Stewart and Walter Alexander, their heirs, associates and assigns, are hereby authorized to build and maintain a dam, or dams, across the Wisconsin river on any lands that they may now or hereafter own, possess or control in sections nineteen (19), twenty (20), twenty-nine (29), thirty (30), and thirty-one (31), township thirty-three (33) north, range six (6) and section (6) in township 32 north, range 6 east, in Lincoln county, Wisconsin.

Purpose. SECTION 2. They may use such dam, or dams, for the purpose of driving, booming and storing logs and timber and improving the navigation of said river. If any water power shall be created by said dam not necessary for the purpose of driving, booming and storing of logs and timber or the improvement of navigation of said river, the said Alexander Stewart and Walter Alexander, their heirs, associates and assigns, shall have the right to use, lease and dispose of such surplus water power in conducting and carrying on any manufacturing business and electric lighting business, or in operating any street railway, and for that purpose may build race ways and flumes and all other equipment necessary to develop and use said surplus power for such purposes.

Powers conferred. SECTION 3. In order to build and maintain said dam, or dams, and use the same for the purposes herein specified, the said Walter Alexander, and Alexander

Stewart, their heirs, associates and assigns, shall have the right to take and over flow and use any land not owned or controlled by them, except lands in sections three and ten, or either of them, in said township and range, or any riparian rights pertaining to lands not lying within said sections three and ten, and may acquire title to any such lands and riparian rights, and the right to control and use the same for said purposes by and through proceedings of condemnation under the power of eminent domain, as provided in sections 1777a, 1777b, 1777c, 1777d of the statutes of 1898, and said statutes and any acts amendatory thereof, are hereby made applicable to said dam, or dams, and to the acquisition of the title or right to use any lands or riparian rights for the purpose of building, maintaining and using said dam, or dams, for the purposes hereinbefore specified.

How constructed; rights reserved. SECTION 4. Said dam or dams, shall be so constructed and maintained as not to hinder, impede or obstruct the free navigation of the Wisconsin river. Any improvement of navigation made by the construction of said dam, or dams, shall inure to the benefit of the Wisconsin River Improvement Company, and shall be treated and considered as done and effected by said company, and said improvement company shall have the same right to charge and collect tolls for the use of all improvements so effected as it would have if it had so improved the navigation itself; and its present right to collect tolls for the use of its improvements in said river shall be in no way diminished by the construction and maintenance of said dam, or dams.

Slides and shutes. SECTION 5. Said Alexander Stewart and Walter Alexanrer, their heirs, associates and assigns, shall build and maintain and keep in repair suitable slides and chutes in said dam, or dams, for the running of logs and timber products over the same, sufficient in capacity to accommodate all logs and timber products that may be floated down said river, and shall maintain a sufficient unobstructed channel for the free passage of logs and timber products through the pond created by said dam, and all logs and other timber products destined to points below said dam shall be taken by the owners of said dam, or dams, when they reach the flowage thereof or reach any jam that may be caused by the stopping of logs by the works or pond of the owners of said dam, or dams, and shall be driven by such owners free of charge and with reasonable dispatch through said flowage and pond and over said dam or dams. Provided, that

the provisions of section 1601 of the statutes of 1898 shall not apply to the dam, or dams, erected under this act.

Passage way preserved. SECTION 6. Said dam, or dams, shall be so constructed and maintained as to be capable of permitting the free and uninterrupted passage through or over the same of any and all floods discharged by any flooding dam further up said river, for the purpose of assisting in and facilitating the driving of logs and other timber products below the dam, or dams, authorized by this act, and the owners of said dam, or dams, shall so maintain and operate them as to permit the free passage of all such floods without substantial impairment of their effectiveness in assisting in the driving of logs and timber products down said river, and shall be liable in damages to any person or corporation injured by failure of compliance with this section.

Fishway. SECTION 7. The dam so erected shall be provided with a good and sufficient fishway, to be approved by the state board of commissioners of fisheries, and said fishway shall at all times be kept in good repair and open for the free and easy passage of fish up and down said dam. In case the owner, or owners, of said dam shall neglect or refuse to construct or keep in repair or keep open such fishway, as required by the provisions of this act, they shall, upon conviction thereof, be fined not less than twenty-five dollars nor more than one hundred dollars.

SECTION 8. The right is reserved to the legislature to repeal or modify this act at any time.

SECTION 9. This act shall take effect and be in force from and after its passage and publication.

Approved May 2, 1903.

No. 235, A.]

[Published May 5, 1903.

CHAPTER 155.

AN ACT to repeal chapter 96 of the general laws of Wisconsin for the year 1893, entitled, An act to authorize J. D. Ross and W. C. Silverthorn, their heirs, associates and assigns, to build and maintain a dam across the Wisconsin river in township number twenty-eight (28) north, range seven (7) east, in Marathon county, Wisconsin, and to grant said right to build a dam to J. D. Ross, Charles J. Winton and E. W. Brooks for the purpose of improving the navigation of said river and of creating hydraulic and electric power and transmitting and using the same.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Location of dam. SECTION 1. Chapter 96 of the general laws of Wisconsin for the year 1893, is hereby repealed and the following provisions substituted in place thereof:

SECTION 2. J. D. Ross, Charles J. Winton and E. W. Brooks, their heirs, associates and assigns, are hereby authorized to build and maintain a dam across the Wisconsin river on any lands that they may now or hereafter own, possess or control in township number twenty-eight (28) north, range seven (7) east, in Marathon county, Wisconsin.

Purpose. SECTION 3. They may use such dam for the purpose of driving, booming and storing logs and timber and improving the navigation of said river. If any water power shall be created by said dam not necessary for the purpose of driving, booming and storing of logs and timber or the improvement of the navigation of said river, the said J. D. Ross, Charles J. Winton and E. W. Brooks, their heirs and assigns, shall have the right to use, lease, and dispose of such surplus water power in conducting and carrying on any manufacturing business and electric lighting business, or in operating any street railway and for that purpose may build raceways and flumes and all other equipment necessary to develop and use said surplus power for such purposes. The owners of said dam shall build, maintain and keep in repair suitable slides and chutes in said

dam for the running of logs and timber products over the same, sufficient in capacity to accommodate all logs and timber products that may be floated down said river. And the owners of said dam shall maintain a sufficient unobstructed channel for the free passage of logs and timber products through the pond created by said dam, and all logs and timber products destined for points below said dam shall be taken by the owners of said dam when they reach the flowage thereof, and shall be driven by such owners free of charge and with reasonable dispatch through said flowage and pond and over said dam.

Powers conferred. SECTION 4. In order to build and maintain said dam and use the same for the purposes heren specified, the said J. D. Ross, Charles J. Winton, and E. W. Brooks, their heirs, associates and assigns, shall have the right to take and overflow and use any lands not owned or controlled by them, or any riparian rights, and may acquire title to any such lands and riparian rights and the right to control and use the same for said purposes by and through proceedings of condemnation under the power of eminent domain, as provided in sections 1777a, 1777b, 1777c and 1777d of the statutes of 1898, and said statutes and acts amendatory thereof are hereby made applicable to said dam and the acquisition of the title or right to use any lands or riparian rights for the purpose of building, maintaining and using said dam for the purposes hereinbefore specified.

Fishway. SECTION 5. The dam so erected shall be provided with a good and sufficient fishway, to be approved by the state board of commissioners of fisheries, and said fishways shall at all times be kept in good repair and open for the free and easy passage of fish up and down said dam. In case the owner or owners of said dam shall neglect or refuse to keep in repair or to keep open such fishway, as required by the provisions of this act, they shall upon conviction thereof be fined not less than twenty-five dollars nor more than one hundred dollars. The dam so erected shall be provided with such piers and guide booms as may be necessary for the free and safe passage of logs at the expense of the owners of said dam.

SECTION 6. The right is reserved to the legislature to repeal or modify this act at any time.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved May 2, 1903.

No. 234, A.]

[Published May 5, 1903.]

CHAPTER 156.

AN ACT to authorize C. J. Winton, his heirs, associates and assigns, to build and maintain a dam across the Wisconsin river in sections thirty-two (32), and thirty-three (33), in township twenty-six (26) north, range seven (7) east, in Marathon county for the purpose of improving the navigation of said river and of creating hydraulic and electric power and transmitting and using the same.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Location of dam. SECTION 1. C. J. Winton, his heirs, associates and assigns, is hereby authorized to build and maintain a dam across the Wisconsin river on any lands that he may now or hereafter own, possess or control in sections thirty-two (32), and thirty-three (33), in township twenty-six (26) north, range seven (7) east, in Marathon county, Wisconsin.

Purpose. SECTION 2. He may use such dam for the purpose of driving, booming or storing logs and timber and improving the navigation of said river. If any water power shall be created by said dam not necessary for the purpose of driving, booming and storing of logs and timber or the improvement of the navigation of said river, the said C. J. Winton, his heirs and assigns, shall have the right to use, lease and dispose of such surplus water power in conducting and carrying on any manufacturing business and electric lighting business, or in operating any street railway, and for that purpose may build race-ways and flumes and all other equipment to develop and use said surplus power for such purposes.

Powers conferred. SECTION 3. In order to build and maintain said dam and use the same for the purpose herein specified, the said C. J. Winton, his heirs, associates and assigns, shall have the right to take and overflow and use any lands not owned or controlled by him, or any riparian rights, and may acquire title to any such lands and riparian rights and the right to acquire and use the same for said purposes, by and through proceedings of condemnation under the power of eminent domain.

as provided in sections 1777a, 1777b, 1777c, 1777d and 1777e of the statutes of 1898 and said statutes and any acts amendatory thereof are hereby made applicable to said dam and to the acquisition of the title, or right to use any lands or riparian rights for the purpose of building, maintaining and using said dam for the purposes hereinbefore specified.

Slides and chutes. SECTION 4. The owners of said dam shall build, maintain and keep in repair suitable slides and chutes in said dam for the running of logs and timber products over the same, sufficient in capacity to accommodate all logs and timber products that may be floated down said river and shall maintain a sufficient unobstructed channel for the free passage of logs and timber products through the pond created by said dam, and all logs and other timber products, whether rafter or not rafted, destined to points below said dam, shall be taken by the owners of said dam when they reach the flowage thereof or reach any jam that may be caused by the stopping of logs by the slack water of said pond and flowage created by said dam and shall be driven by such owners free of charge and with reasonable dispatch through such flowage over said dam and deliver all rafts in as good condition as they were when they reached the head of the pond. Provided, that the provisions of section 1601 of the statutes of 1898 shall not apply to the dam erected under this act.

Fishway. SECTION 5. The dam so erected shall be provided with a good and sufficient fishway, to be approved by the state board of commissioners of fisheries, and said fishways shall at all times be kept in good repair and open for the free and easy passage of fish up and down said stream. In case the owner, or owners, of said dam shall neglect or refuse to keep in repair or to keep open such fishway, as required by the provisions of this act, they shall upon conviction thereof be fined not less than twenty-five dollars nor more than one hundred dollars. The dam so erected shall be provided with such piers and guide booms as may be necessary for the free and safe passage of logs at the expense of the owners of said dam.

SECTION 6. The right is reserved to the legislature to repeal or modify this act at any time.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved May 2, 1903.

No. 189, A.]

[Published May 5, 1903.

CHAPTER 157.

AN ACT to provide for an annual appropriation to the Wisconsin Agricultural Experimental Association.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

\$1,000 appropriated. SECTION 1. There is hereby appropriated to the Wisconsin Agricultural Experimental Association out of any money in the treasury not otherwise appropriated, the sum of one thousand dollars annually.

Purpose. SECTION 2. The money so appropriated shall be used in securing and testing new and improved varieties of seeds and plants, securing and testing fertilizers, studying the best methods of cultivation and feeding crops and in general advancing the agricultural interests of the state.

Annual statement; reports. SECTION 3. The secretary of the said Agricultural Experiment Association shall before June 30th of each year make a detailed statement, properly sworn to before a notary public, to the secretary of state, showing all the receipts and expenditures under the provisions of this act. Said association shall have printed at the expense of the state, each year, by the state printer, 5,000 copies of an annual report of not over 200 pages, 1,000 to be bound in cloth.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved May 2, 1903.

No. 129, A.]

[Published May 5, 1903.

CHAPTER 158.

AN ACT to appropriate to John H. Kamper a sum of money therein named for expenses of election contest.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Purpose of appropriation. SECTION 1. There is hereby appropriated to John H. Kamper, of the second assembly district of Racine county, in the state of Wisconsin, out of any money in the state treasury not otherwise appropriated, the sum of three hundred dollars (\$300.00), in full for expenses incurred by him in contesting for the seat in the assembly of the state of Wisconsin, from the second assembly district of Racine county, declared vacant on account of a tie vote.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 2, 1903.

No. 91, A.]

[Published May 5, 1903.

CHAPTER 159.

AN ACT amendatory of subdivision 2, of section 2704, of the statutes of 1898, relating to qualifications of bail.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Qualifications of bail. SECTION 1. Subdivision two of section 2704 of the statutes of 1898 is hereby amended to be and read as follows:

2. They must each be worth the amount specified in the order of arrest, over and above all his debts and liabilities in property within this state, not by law exempt from execution;

but a judge, on justification, may allow more than two bail to justify severally in amounts less than that expressed in the order, if the whole justification be equivalent to that of two sufficient bail.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 2, 1903.

No. 354, S.]

[Published May 5, 1903.

CHAPTER 160.

AN ACT to legalize the organization of joint school district number 4 of the towns of Red River and Luxembourg in Kewaunee county, and to legalize the subsequent acts and proceedings of the officers and voters of said district.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Organization legalized. SECTION 1. The organization of joint school district number 4, of the towns of Red River and Luxembourg in Kewaunee county, comprising the following described territory, to-wit:

The southeast quarter of section 32 and the south one-half of section 33 in said town of Red River; the northeast quarter of section 5, all of section 4, except the southwest quarter of the southwest quarter; the northeast quarter of section 9; the east one-half of the northwest quarter of section 9; the east one-half of the southwest quarter of section 9; the west one-half of the southeast quarter of section 9; the west one-half of the southwest quarter of section 3; the northwest quarter of section 3; the west one-half of the northeast quarter of section 3 in the said town of Luxembourg, is hereby in all things legalized.

Acts and proceedings legalized. SECTION 2. All acts and proceedings of the said joint school district number 4 of the towns of Red River and Luxembourg in Kewaunee county, and of the electors and officers thereof, are hereby legalized to the

same extent and effect as if said school district had been legally organized in the first instance.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved May 2, 1903.

No. 284, S.]

[Published May 5, 1903.

CHAPTER 161.

AN ACT to regulate homes for infant children, lying-in hospitals and maternity homes, and to provide for the supervision of same by public health officers.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Report; health officers to be admitted. SECTION 1. Any person, or persons, or corporation, who own, keep, conduct or manage any institution or home for the boarding or sheltering of infant children, or who conduct or manage a so-called maternity home or lying-in hospital, or so-called "baby-farm" shall, before taking into such institution any inmate or inmates, report in writing to the local board of health, health officer or health department, the name, or names, and address of such person, corporation, or persons, respectively, the exact location of such institution, home or lying-in hospital. Owners, keepers or managers of such lying-in hospitals or maternity homes, home for infants, or so-called "baby-farm," shall, at reasonable hours, admit to such institutions the local health officer or health commissioner, or his assistants, for the purpose of inspecting such institution.

Report of births. SECTION 2. It shall be the duty of any person who is the owner or keeper, or who conducts or manages, or who is in charge of any such maternity home or lying-in hospital, to report to the local board of health or health officer, or health department the birth of any child, including still born or prematurely born children, which takes place in such mater-

nity home or lying-in hospital, within twenty-four hours after such birth and before said child is removed therefrom.

Report as to arrival of children. SECTION 3. Every owner or keeper of a home for infants, or so-called "baby-farm" shall report to the local board of health or health officer the arrival of any child at such institution within twenty-four hours thereof, giving the name, sex, age and color, and from whom received.

Report as to removal of children. SECTION 4. Whenever any child is taken from any so-called maternity home, or lying-in hospital, home for infants or so-called "baby-farm," the owner, keeper or manager thereof shall, within twenty-four hours of such removal, report in writing to the local board of health, or health officer or health department of the disposition of such child and its name and age.

Duty of health officers. SECTION 5. It shall be the duty of the local board of health, health officer or health department to keep informed of the nature and reputation of every such institution in their respective jurisdiction, and to visit and inspect the same from time to time.

Penalty. SECTION 6. Any person found guilty of violating any of the provisions of this act shall be punished by a fine of not less than ten dollars nor more than five hundred dollars, or by imprisonment in the county jail not more than one year.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved May 2, 1903.

No. 3, S.]

[Published May 5, 1903.]

CHAPTER 162.

AN ACT amendatory of section 13, of chapter 91 of the laws of Wisconsin for the year 1897, as amendatory of chapter 22 of the laws of Wisconsin for the year 1895, entitled, "An act to establish a municipal court at the village of Waukesha for the eastern municipal district of the county of Waukesha."

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

County board may increase salary of clerk of municipal court.

SECTION 1. Section 13 of chapter 91 of the laws of Wisconsin for the year 1897, as amendatory of chapter 22 of the laws of Wisconsin for the year 1895, entitled "An act to establish a municipal court at the village of Waukesha for the eastern municipal district of the county of Waukesha," is hereby amended by adding after the word "court" in the seventeenth line of said section, the following:

"Provided, however, that the county board of Waukesha county, Wisconsin, may and it is hereby authorized and empowered to increase the salary of the clerk of said court, so that his annual salary shall not exceed the sum of nine hundred dollars." So that said section 13 when so amended shall read as follows:

Section 13. Section 14, of chapter 22, of the laws of 1895, is hereby amended so as to read as follows: Section 14: The salary of the judge of said municipal court shall be the sum of one thousand five hundred dollars per annum, to be paid as follows: Three-fourths of the same to be paid out of the county treasury of Waukesha county, and one-fourth to be paid out of the treasury of the city of Waukesha, to be paid quarterly at the end of each quarter, out of said county and city treasuries respectively. The salary of the clerk of said court shall be six hundred dollars per annum, to be paid in like manner and in like proportion as the salary of the judge, which said salaries shall be in full for all services rendered by said judge and clerk of said municipal court. Provided, however, that the county board of Waukesha county, Wisconsin, may and it is hereby authorized and empowered to increase the salary of the clerk of said court, so that his annual salary shall not exceed the sum

of nine hundred dollars. The said court is authorized to tax and collect fees as follows: For all services rendered by said court in civil and criminal actions when exercising the powers of a justice of the peace, the fees allowed to justices of the peace, except as hereinafter provided; for hearing and deciding any motion, fifty cents for each; for issuing each venire, fifty cents; for making and recording all necessary orders, fifty cents each; for receiving and recording verdict of the jury, fifty cents; taking and approving bail, fifty cents; each commitment, fifty cents; drawing jury in every case, fifty cents; for services of clerk, one dollar in each criminal case, and one dollar in each civil case; and the same shall be paid as other costs in civil and criminal cases are paid, and said judge or clerk shall pay the same into the county and city treasuries, to apply on the salaries of said judge and clerk as follows: All costs imposed and collected in bastardy cases, and in criminal cases, arising under the laws of the state, shall be paid into the county treasury, and all costs imposed and collected in cases arising under the charter and ordinances of any city or village shall be paid into the treasury of the city or village under whose charter, by-laws or ordinance said case arose; and all costs collected in civil cases shall be paid as follows: Three-fourths of the same into the county treasury of Waukesha county, and one-fourth into the treasury of the city of Waukesha. The clerk of said court shall keep an accurate statement of all such costs thus collected, and file the same in the county clerk's office at the end of each month, under his hand and seal of the said court, and shall at the same time pay over all such moneys as provided for in this act.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 2, 1903.

No. 103, A.]

[Published May 6, 1903.]

CHAPTER 163.

AN ACT to appropriate certain sums of money therein named to the several charitable, penal and reformatory institutions of the state for the purpose of defraying the current expenses thereof, to the respective dates therein specified.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Purposes of appropriation. SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated to the institutions hereinafter named the following sums of money for the current expenses of said institutions, including painting and necessary repairs, to-wit: To the Wisconsin State Hospital for the Insane to January 1, 1905, one hundred and sixty thousand dollars (\$160,000); to the Northern Hospital for the Insane to January 1, 1905, one hundred and eighty thousand dollars (\$180,000); to the Wisconsin School for the Deaf to March 1, 1905, ninety-five thousand dollars (\$95,000); to the Wisconsin School for the Blind to March 1, 1905, seventy-two thousand dollars (\$72,000); to the Wisconsin Industrial School for Boys to January 1, 1905, one hundred and fourteen thousand dollars (\$114,000); to the Wisconsin State Prison to March 1, 1905, one hundred and five thousand dollars (\$105,000); to the State Public School to March 1, 1905, eighty-one thousand dollars (\$81,000); to the Wisconsin Home for Feeble Minded to January 1, 1905, one hundred and forty thousand dollars (\$140,000); to the Wisconsin State Reformatory to April 1, 1905, forty-eight thousand dollars (\$48,000).

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 4, 1903.

No. 36, S.]

[Published May 6, 1903.

CHAPTER 164.

AN ACT to appropriate certain sums of money to the several charitable, penal and reformatory institutions of the state herein named, for the purposes herein specified.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Purposes of appropriations. SECTION 1. There is hereby appropriated, out of any moneys in the state treasury not otherwise appropriated, to the several charitable, penal and reformatory institutions of this state the sums of money herein named, for the purposes as hereinafter specified:

To the State Hospital for the Insane, for a congregate dining room, for an infirmary, for bath rooms, for new plumbing, for new boilers, refrigerator and pipe covering the sum of forty thousand (40,000) dollars:

To the Northern Hospital for the Insane, to complete the filter system, for new boilers and for duplicate pump the sum of ten thousand (10,000) dollars;

To the School for the Deaf, for a duplicate lighting plant, for repairs, renewals and printing press the sum of five thousand (5,000) dollars;

To the Industrial School for Boys, for a hospital, for repairing and pipe covering and for improving heating system eleven thousand (11,000) dollars;

To the State Prison, for covering steam pipes, for new smoke stack and new boiler house, for library, for new horse barn and new kitchen for the female prison, five thousand (5,000) dollars;

To the State Public School for horse barn and general repairs, one thousand (1,000) dollars;

To the Home for Feeble Minded, for new boiler and smoke stack, thirty-five hundred (3,500) dollars.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 4, 1903.

No. 217, S.]

[Published May 6, 1903.]

CHAPTER 165.

AN ACT to create a pension fund for members of the fire department in cities of the first class.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Pension fund created. SECTION 1. In all cities of the first class within this state having paid fire departments two-thirds of all sums collected or received by the treasurers of such cities, under requirements of the charters of such cities relating to and providing for the taxation of fire insurance companies or agents, shall be set apart by the common council and comptrollers of such cities and retained and set apart by the treasurers of such cities for the pensioning of disabled and superannuated members of fire departments and of the widows and orphans of deceased members thereof, and the treasurers of such cities shall be ex officio treasurers of such fund.

Monthly payments; fines. SECTION 2. There shall also be paid into such fund by each and every member of such department, at the time this act takes effect and by all members subsequently acquired, during their term of service the following sums monthly, to-wit: Pipemen, truckmen, linemen and drivers, two dollars; lieutenants, assistant engineers, and firemen, two dollars and thirty cents; captains, engineers, and pilots and secretary, two dollars and sixty cents; superintendents of machinery and apparatus, two dollars and eighty-five cents; assistant chief engineers, and assistant superintendents of fire alarm telegraph, three dollars and forty cents; chief engineer, four dollars and thirty cents; also all fines imposed on members for violations of the rules of the department, and all moneys deducted for time lost by members on account of sickness.

Board of trustees; officers. SECTION 3. The mayor, treasurer, city comptroller, the chief engineer and three active members of the fire department shall constitute and be a board by the name of the Board of Trustees of the Firemen's Pension Fund. The three members of the board from the fire depart-

ment shall be elected annually by ballot at least three days before the annual election of officers is held. Each member shall be entitled to vote for such three members of the board upon one ballot and the three candidates receiving the highest number of votes shall be considered elected. The said board shall annually select from among their number a president and a secretary and in case of a vacancy occurring during the term, the same shall be filled by the board.

Powers conferred. SECTION 4. Said board shall have exclusive control and management of the fund mentioned in this act and all money donated, paid or assessed for the relief or pensioning of disabled, superrannuated or retired members of the fire department, their widows and children, the same to be placed by the treasurer of such city to the credit of such fund subject to the orders of such board. The said board shall make all the needful rules and regulations for its government in the discharge of its duties and for the control of such fund; and shall hear and decide all applications for relief or pensions under this act. The board shall cause to be kept by its secretary a record of all its meetings and proceedings.

Rewards, gifts; permanent fund when. SECTION 5. All rewards in moneys, fees, gifts or emoluments that may be paid or given for or on account of any service of said fire department, or any member thereof, except when allowed to be retained by said member by resolution of said board, or given to endow a medal or other permanent competitive reward shall be paid into said fund. The said board may take by grant, gift, devise or bequest any money, real estate, personal property, right of property or other valuable thing the annual income of which shall not exceed one hundred thousand dollars in the whole. And said money, real estate, personal property, right of property or other valuable thing so obtained shall be paid into said pension fund and treated as a part thereof for the use of said fund; provided, that when the sum of two hundred thousand dollars has been accumulated in said fund it shall be retained as a permanent fund, and thereafter the annual income therefrom may be made available for the use and purposes of such pension fund.

Investments, how made. SECTION 6. The said board shall have power to draw such pension fund from the treasury of such city and may invest such fund or any part thereof in the name of said board in interest bearing bonds of the United States or of the state of Wisconsin or of any county, township,

or municipal corporation of said state; and all securities taken upon any such investment shall be deposited with the treasurer of said board and shall be subject to the order of said board.

Interest to apply in payment of pensions. SECTION 7. The interest received from any such investment of funds, after said fund shall have reached the sum of two hundred thousand dollars, shall be applicable to the payment of pensions under this act. And when such interest shall become applicable it shall be competent for the council of such city to diminish such annual rate of two-thirds of the tax on fire insurance agents so that said income from said tax shall meet the requirements of the pension list as provided by this act.

Pension for disabled firemen. SECTION 8. If any member of the fire department, being a beneficiary of such fund, shall, while engaged in the performance of his duty as such fireman, be injured and found upon an examination by a medical officer ordered by said board to be physically or mentally permanently disabled by reason of service in such department so as to render necessary his retirement from service in such department, such board shall retire such disabled member from service; provided, no such retirement on account of disability shall occur unless the member has contracted such disability while in the active service of such department. Upon said retirement the said board shall order payment to such retired member monthly from such pension fund a sum equal to one-half the monthly compensation allowed such member as salary at the date of his retirement.

Pensions to widows, etc. SECTION 9. If any member of such fire department shall, while in the performance of his duty, be killed, or die as the result of an injury received in the line of his duty or any disease contracted by reason of his occupation, or if any member of such department, after fifteen years' service in such department, shall die from any cause whatever after having been retired upon a pension under the provisions of this act, and shall leave a widow or minor child or children under sixteen years of age surviving, or being unmarried shall leave a dependent father, mother or sister, the said board shall direct the payment from said pension fund of the following sums monthly, to-wit: To the widow of the chief engineer of the department, sixty dollars; to the widows of the assistant chief engineers and assistant superintendent of fire alarm telegraph, fifty-five dollars; to the widow of the superin-

tendent of machinery and apparatus, fifty dollars; to the widow of any captain, engineer, pilot and secretary, forty-five dollars; to the widow of any lieutenant, assistant engineer and fireman, forty dollars; to the widow of any pipeman, truckman, lineman and drivers, thirty-five dollars; to the guardian of such minor child or children, six dollars for each child until it reaches the age of sixteen years; to the dependent father or mother, and to the dependent sister (while unmarried), in any case only to one of them, such sums as the widow would be entitled to as aforesaid; provided, however, that there shall not be paid to the family of a deceased member a total pension exceeding one-half the amount of the monthly salary of such deceased member at the time of his death, or, if a retired member, a sum not exceeding one-half the amount of the monthly salary of such retired member at the date of his retirement; provided, however, that if a pensioner shall marry after his retirement from service and shall thereafter die, leaving a widow, such widow shall not be entitled to any relief or pension from such fund. If at any time there shall not be sufficient money in such fund to pay each person entitled to the benefits thereof the full amount per month as hereinbefore provided, then and in that event an equal percentage of such monthly payments shall be made to each pensioner or beneficiary thereof until the said fund shall be replenished to warrant the payment in full to each of such beneficiaries.

Retired firemen's pensions. SECTION 10. Any member of the fire department of any such city having served twenty-two years or more in such department, may make application to said board to be retired from such department or he may be retired by the said board of its own motion; in either which case the said board shall order and direct that such member shall be paid a monthly pension of a sum equal to one-half the monthly compensation allowed such member as salary at the date of his retirement. The said board upon the recommendation of the chief engineer shall have the power to assign any member retired or drawing a pension to the performance of light duties in such department when in their judgment it shall be advisable. No person shall be entitled to receive any benefit from any such fund other than that prescribed by this act and in no event shall any allowance be paid to any widow after her remarriage or to any minor child after it attains the age of sixteen years.

Persons eligible to benefits, who are. SECTION 11. This act shall apply to all members of the fire departments, except the

secretaries and the operators in the fire alarm service, who are now or who shall hereafter become members of any such fire departments. And all such persons shall be eligible to the benefits secured by this act. And all retired firemen, or the widows, parents, children or executors of any deceased firemen now drawing pensions under chapter 379 of the laws of 1895 shall continue to receive monthly the same sums as they are now receiving and such sums shall hereafter be paid to them by the treasurers of such cities as provided by said chapter 379 of the laws of 1895.

Duties of treasurer; bond. SECTION 12. The treasurer of the board shall be the custodian of said pension fund and shall secure and safely keep the same subject to the control and direction of said board and shall keep his books and accounts concerning said fund in such a manner as the board shall direct and the said books and accounts shall always be subject to the inspection of said board or any member thereof. The treasurer shall within ten days after his election or appointment execute a bond to the city with good and sufficient securities to be approved by the board and in a sum to be fixed by the board conditioned for the faithful performance of the duties of his office that he will safely keep and well and truly account for all moneys and property which may come into his hands as such treasurer; and that at the expiration of his term of office he will surrender and deliver over to his successors all unexpended moneys and all property that shall have come to his hands as treasurer of such fund. Such bond shall be filed in the office of the clerk of such city and in case of a breach of the same or of the conditions thereof suit may be brought on the same in the name of said city for the use of said board, or of any person or persons interested in such breach.

Duty to draw warrant. SECTION 13. It shall be the duty of the mayor, or the president of the board of trustees, or clerk, or comptroller, or other officer or officers of said city, who are or may be authorized by law to draw warrants upon the treasurer of such city upon request made in writing by said board, to draw warrants upon the treasurer of such city payable to the treasurer of such board for all funds in the hands of the treasurer of such city belonging to said pension fund.

Warrants; deposits. SECTION 14. All moneys ordered to be paid from such pension fund to any person or persons shall be paid by the treasurer of said board only upon warrants

signed by the president of the board and countersigned by the secretary thereof; and no warrant shall be drawn except by order of the board duly entered in the record of the proceedings of said board. In case the pension fund or any part thereof shall by order of said board or otherwise, be deposited in any bank, or loaned, all interest or money which may be paid or agreed to be paid on account of any such loan or deposit, shall belong to and constitute a part of such fund; provided, that nothing herein contained shall be construed as authorizing said treasurer to loan or deposit said fund or any part thereof, unless so authorized by the board.

Report. SECTION 15. The board of trustees shall make report to the council of said city of the condition of said pension fund on the first Monday of May in each year unless the same be a legal holiday, when said report should be made as soon thereafter as possible.

Pension exempt from process of all kinds. SECTION 16. No portion of said pension fund shall either before or after its order of distribution by such board to such disabled members of said fire department or to the widow or guardian of such minor child or children of a deceased or retired member of such department be held, seized, taken subject to, or detained or levied on by virtue of any attachment, execution, injunction, writ, interlocutory or other order or decree, or any process or proceeding whatever, issued out of, or by any court of this state for the payment and satisfaction in whole or in part of any debt, damages, claim, demand, or judgment against such member, or his said widow or the guardian of said minor child or children of any deceased member; but the said fund shall be sacredly held, kept, secured and distributed for the purpose of pensioning the persons named in this act, and for no other purpose whatever.

Additional powers conferred. SECTION 17. The board herein provided for shall in addition to other powers herein granted have power to compel witnesses to attend and testify before it upon all matters connected with the operation of this act in the same manner as is or may be provided by law for the taking of testimony before notaries public, and its president or any member of said board may administer oaths to such witnesses. The said board shall have power to appoint a clerk and provide for the payment from said fund of all its necessary expenses, including clerk hire and printing; provided, that no

compensation or emolument shall be paid to any member of said board for any duty required or performed under this act.

Conflicting laws repealed. SECTION 18. The provisions of this act shall be amendatory of the charter of all cities of the first class in this state and any provision in any such charter in conflict herewith is hereby superseded and the provisions of any act or law now in force or effect so far as they conflict with the provisions of this act are hereby repealed, except as provided in section 11 of this act, provided, however, that this act shall in no way affect or apply to the provisions of any law in reference to any other department in any of said cities.

Pension funds to be transferred. SECTION 19. In all cities of the first class having paid fire departments in which prior to the passage of this act a pension fund has been created under existing laws and pursuant to which laws moneys have been collected and are now held by the proper officers of such firemen's pension fund, all such funds either in money or securities shall immediately upon the passage of this act be paid over to and transferred to the proper officers mentioned and provided for in this act, who shall have power to receive, sue for and collect the same, and such funds shall be devoted to the purposes herein mentioned and prescribed. All pensions heretofore provided for in cities of the first class by the officers or board of such firemen's pension fund shall be continued pursuant to the provisions of laws existing at the time such pensions were ordered and provided for.

SECTION 20. This act shall take effect and be in force from and after its passage and publication.

Approved May 4, 1903.

No. 79, S.]

[Published May 6, 1903.

CHAPTER 166.

AN ACT relating to the redemption of certain lands in Milwaukee county.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Right of redemption. SECTION 1. It shall be lawful for T. J. Fleming, his heirs or assigns, within ninety days from and after the passage and publication hereof to redeem that certain tract of land conveyed to him by warranty deed by the Wisconsin Agricultural society on August 15, 1892, which deed is recorded in the office of the register of deeds of Milwaukee county on February 11, 1893, in volume 313 of deeds on page 29 and described as follows: The west four hundred and thirty-four (434) feet of the east four hundred and eighty-four (484) feet of the southeast quarter of section thirty-three (33), in township seven (7) north, of range twenty-one (21) east, except the north one hundred (100) feet thereof.

Amount. SECTION 2. Such redemption shall be effected by paying to the state treasurer of the state of Wisconsin the sum of \$21,250 reserved in said warranty deed, with interest thereon at four per cent. per annum from September 15, 1892, to the time of such redemption, and thereupon all right, title and interest of the state of Wisconsin in and to said tract of land shall cease and determine and the commissioners of the public lands shall upon presentation of a receipt from the state treasurer showing such payment execute and deliver to said Fleming a conveyance of said land herein described.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved May 5, 1903.

No. 257, A.]

[Published May 8, 1903.

CHAPTER 167.

AN ACT to appropriate the sum of ten thousand dollars to the regents of the university of Wisconsin for the purpose of purchasing stock for the experiment station farm.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Purpose of appropriation. SECTION 1. There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of ten thousand dollars to the board of regents of the university of Wisconsin, to be used exclusively for the purchasing of live stock of various kinds for experimental and instructional work at the Wisconsin experiment station farm.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 6, 1903.

No. 636, A.]

[Published May 8, 1903.

CHAPTER 168.

AN ACT governing the importation of branded or range western horses.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Certificate of inspection. SECTION 1. No person shall ship or bring into the state of Wisconsin branded or range western horses, unless the same are accompanied by a certificate of inspection made by a duly qualified veterinary surgeon who is a graduate of a recognized veterinary college in the United States, Canada or Europe. Which certificate shall show that

at the time of said inspection the horses so inspected were free from glanders or farcy, infectious mange, or any other disease of a contagious malignant character. This inspection shall be made at the last loading place before entering the state, except in the case where animals are driven into the state, when the examination shall be made at the first stopping place within the state.

Certificates, number and contents of. SECTION 2. The inspector shall prepare certificates in triplicate, one to be given to the shipper, one to the transportation company hauling said horses, and one to be forwarded immediately to the state veterinarian at Madison, Wisconsin. Said certificate shall state that said inspector has carefully examined all such animals for glanders or farcy, infectious mange, or any other disease of a contagious malignant character, and has found the same to be entirely free from all such diseases. The certificate shall further state the number of the car or cars containing such animals, the initial letters of the railway owning the car or cars, the number of horses in each car, the name of the shipper, and the destination of the car or cars, and the name of the railroad hauling such car or cars, and shall be duly signed by and sworn to before a notary public or justice of the peace by the person making such inspection. The expenses of such inspection and certificate shall be paid by the owner or shipper of said horses.

Quarantine, when. SECTION 3. In case any such horses shall be brought into this state without the shipper or person in charge of the same having in his possession a certificate as provided in section one of this act, showing all such horses to be free from such diseases, the local health officer shall immediately quarantine the yards containing such animals, and at once notify the state veterinarian who shall immediately authorize an examination of said animals by a competent and duly qualified veterinary surgeon. If after such examination the said animals shall be found to be free from disease, the same shall be released upon payment of the expenses of such quarantine and examination as herein provided. If upon such examination said animals or any of them shall be found diseased with glanders or farcy, infectious mange or any other disease of a contagious malignant character, then and in such event the Wisconsin Live Stock Sanitary Board shall quarantine such animals, or cause the same to be slaughtered as is provided in chapter 440 of the laws of Wisconsin of 1901, except that in no event shall the owner or shipper of such animals

receive any indemnity in case such animals are killed under the direction of said board. The expenses of such quarantine, examination of said animals and subsequent disinfection of quarantined yards where disease is found present, shall be paid by the owner or shipper of said horses.

Duty of Live Stock Sanitary Board. SECTION 4. In case any such horses shall be brought into this state after an inspection thereof as provided in section one of this act, and the owner or shipper thereof shall have a certificate of inspection as therein provided for, showing the said horses to be free from any such disease, and it shall come to the knowledge of the Wisconsin Live Stock Sanitary Board that said horses are suspected of being affected by diseases as specified in this act, then it shall be the duty of the Wisconsin Live Stock Sanitary Board to fully and carefully examine said horses, and if it shall be found and determined by the said board that the said horses were diseased at the time they were brought into this state, then the said board shall proceed to dispose of said horses as provided in chapter 440 of the general laws of 1901. But if the same are killed as therein provided no indemnity shall be paid to the owner of said horses, if the said disease existed at the time the horses were brought into this state; and the determination of the said Wisconsin Live Stock Sanitary Board shall be prima facie evidence upon that question.

Inspection unnecessary, when. SECTION 5. In case horses billed for points beyond the state are unloaded in the state for feeding purposes for a period not exceeding forty-eight hours, it shall not be necessary to make such inspection as above stated.

Penalty imposed on transportation companies. SECTION 6. Transportation companies unloading branded or western range horses in this state, which are not accompanied by a certificate of inspection as above designated, except as provided in section 5, shall be subject to a penalty of not less than one hundred dollars nor more than two hundred dollars for each car so unloaded in this state, such penalty to be recovered at the suit of the state, brought by the attorney general.

Penalty imposed on shippers or owners. SECTION 7. Any person or persons bringing into this state, branded or western range horses that are not accompanied by a certificate of inspection as hereinbefore provided, shall be deemed guilty of a mis-

demeanor and upon conviction thereof shall be punished by a fine of not less than one hundred dollars, nor more than two hundred dollars.

SECTION 8. This act shall take effect and be in force from and after its passage and publication.

Approved May 6, 1903.

No. 632, A.]

[Published May 8, 1903.

CHAPTER 169.

AN ACT amendatory of section 927 of the statutes of 1898, relating to powers of villages and cities especially incorporated, and to amend sections 919a and 919d of the statutes of 1898, relating to the construction of sewers and drains in

The State of Wisconsin represented in senate and as do enact as follows:

Powers of cities and villages specially incorporated. SECTION 1. Section 927 of the statutes of 1898 is hereby amended by inserting after the word "inclusive" in the seventh line of said section, the following: "and by sections 919a to 919m, inclusive," so that said section when so amended shall read as follows: Section 927. Every village incorporated under special law shall be taken as embraced within the provisions of section 870, and additions to its territory may be made in the manner therein prescribed, and its board of trustees shall also possess the powers conferred by section 892. The board of trustees of every such village and the common council of every city, may exercise all the powers conferred on village boards by sections 895 to 904 inclusive, and by sections 919a to 919m, inclusive, and proceed in the manner therein prescribed to lay out and open, change, widen or extend any street, lane, alley, public ground, square or other place, or to construct or open, alter, enlarge or extend any drain, canal or sewer, or alter, widen or straighten any water-course, or take ground for any street, lane, alley, public ground, square or other public place, or for sewers or drainage purposes, or for the use or im-

provement of a harbor, as well as by the provisions of their respective charters; and the provisions of the sections aforesaid shall be taken as applicable to such villages and cities.

Making and alteration of. SECTION 2. Section 919a of the statutes of 1898 is hereby amended by inserting after the word "necessary" in the eighth line of said section, the words "and to cause a sewage disposal plant to be constructed within or without the limits of the village," so that said section when so amended shall read as follows: Section 919a. It shall be lawful for the president and trustees of any village incorporated under general or special law, whenever they shall deem it necessary for the public health, to cause sewers and drains to be made in any part of such village, and to order and direct the construction of either of the same, and to alter, repair or mend any sewer or drain heretofore, or hereafter, constructed within said village, and to cause a main sewer for the purpose of an outlet for the branch sewers and drains to be constructed without the limits of said village when necessary; and to cause a sewage disposal plant to be constructed within, or without, the limits of the village; and in the manner hereinafter provided to cause to be made plans thereof, and estimates of the cost and expense thereof, and a just and equitable assessment of such costs and expenses among the owners of all lots, pieces and parcels of land intended to be benefited thereby in proportion to the street frontage of such lots, pieces and parcels of land.

Expenses of construction, how paid. SECTION 3. Section 919d of the statutes of 1898 is hereby amended by inserting at the end of line five of said section, the following: "construction and operation of a sewage disposal plant and of the," so that said section when so amended shall read as follows: Section 919d. The cost of the construction of a main sewer for the purpose of an outlet for the branch sewers, and the cost of the construction of all main sewers in excess of the cost of a minor sewer eight inches in diameter, and the cost of all sewers in street and alley crossings shall be paid out of the general sewer fund. The cost of the construction and operation of a sewage disposal plant, and of the construction of man holes, catch basins, for the receiving of water from gutters and of the overflow pipes connecting them with the sewers, and of the repairing and cleaning of sewers and all expenditures for temporary work necessary to carry out the system of sewerage as adopted, and all cost of constructing sewers not provided for

by special assessment, shall be paid out of the general sewer fund. The cost of construction of minor sewers, and such portion of the cost of the construction of main sewers, as shall be equal to the cost of construction of a minor sewer eight inches in diameter, shall be paid out of moneys derived from special assessments on the lots, pieces or parcels of land abutting on the street along which any such sewer shall be constructed as hereinafter provided.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved May 6, 1903.

No. 618, A.]

[Published May 8, 1903.

CHAPTER 170.

AN ACT ceding to the United States exclusive jurisdiction over certain lands acquired for public purposes within the state of Wisconsin, and authorizing the acquisition thereof.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Acquisition authorized. SECTION 1. The consent of the state of Wisconsin is hereby given, in accordance with the seventeenth clause, eighth section, of the first articles of the constitution of the United States, to the acquisition by the United States, by purchase, condemnation or otherwise, of any land in this state which has been, or may hereafter be, acquired for sites for custom houses, court houses, post offices, arsenals, or other public buildings whatever, or for any other purpose of the government.

Jurisdiction except for service of civil and criminal process. SECTION 2. The exclusive jurisdiction in and over any land so acquired by the United States shall be, and the same is hereby, ceded to the United States for all purposes except the service upon such sites of all civil and criminal process of the courts of this state, but the jurisdiction so ceded shall continue no longer than the said United States shall own such lands.

When vested; exempt from taxes. SECTION 3. The jurisdiction hereby ceded shall not vest until the United States shall have acquired the title to the said lands by purchase, condemnation or otherwise; and so long as the said lands shall remain the property of the United States when acquired as aforesaid, and no longer, the same shall be and continue exempt and exonerated from all state, county and municipal assessment, taxation or other charges which may be levied or imposed under the authority of this state.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved May 6, 1903.

No. 563, A.]

[Published May 8, 1903.

CHAPTER 171.

AN ACT amendatory of sections nine, ten and fifteen of chapter ninety-six of the laws of 1891, as amended by chapter 278 of the laws of Wisconsin for 1891, and enacting a new section to said chapter ninety-six of the laws of 1891, to be known and designated as section 7a, entitled, An act to create a municipal court in and for the county of Langlade.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

In certain emergency, justice of peace or court commissioner to act as judge. SECTION 1. Section nine of chapter ninety-six of the laws of 1891, as amended by chapter 278 of the laws of Wisconsin for 1891, is hereby amended, so as to read, when amended, as follows:

Section 9. In case of sickness, absence or temporary disability of said municipal judge, he may, by an order in writing to be filed in said court, appoint a justice of the peace, or a circuit court commissioner of said county to discharge the duties of said judge during such sickness, absence or disability, who shall have the same powers as said judge, while administering such office.

If judge disqualified, court commissioner or justice of peace shall be called in. SECTION 2. Section ten of chapter ninety-six of the laws of 1891 is hereby amended so as to read, when amended, as follows:

Section 10. No action, examination or other proceeding shall be removed from said court, but whenever it shall appear by affidavit that the municipal judge is interested pecuniarily in the action, examination or other proceeding, or that said judge is a material witness, or is within the forbidden degree of consanguinity or from prejudice, will not decide impartially in the matter, the municipal judge shall notify a justice of the peace or a circuit court commissioner in the county of Langlade, not disqualified to try said case, or to hear examination or other proceeding, as the case may be; whereupon it shall be the duty of of said justice or circuit court commissioner so notified as aforesaid, to forthwith appear at the court room of said municipal court, and to discharge the duties of judge of said municipal court on the trial of said case, or the hearing of said examination, or other proceeding, in the same manner and with like effect as said municipal judge would, if not disqualified to act; and the doings of said justice of the peace or a circuit court commissioner while so presiding over said municipal court, shall have and be of the same force and effect as proceedings of said municipal judge, and when said action, examination or other proceeding is concluded, a like record, as in other like cases, shall be made in said court, and thereafter and thereupon, execution may be issued as in other cases tried before said municipal judge. Said justice of the peace or a circuit court commissioner, while presiding over said municipal court, shall receive the same fees as are allowed by law to said municipal judge for like services.

Fees and compensation. SECTION 3. Section fifteen of chapter ninety-six of the laws of 1891, is hereby amended so as to read as follows:

Section 15. The municipal judge shall have and receive the same fees in all civil actions, that are now allowed by law to justices of the peace, and one dollar in addition thereto for every civil action or proceeding in his court, provided, however, that for all testimony taken by the phonographic reporter, in the trial of any civil action, the municipal judge shall receive five cents per folio. And for his services in conducting criminal trials and examinations, he shall receive a salary of fifty dollars per month, payable at the end of each month until January first, A. D. 1904, the same to be paid out of the county

treasury of Langlade county, and thereafter he shall receive such salary as shall be fixed by the county board of Langlade county; but in all criminal actions and proceedings he shall tax the same fees as justices of the peace are allowed by law to tax, and if the defendant in such suit or action is convicted, insert the amount of such fees in the entry of judgment against such defendant, and if paid by said defendant, return the amount thereof with the fine paid or collected, to the county treasurer of said county.

Phonographic reporter, duties and compensation. SECTION 4. There is hereby created and enacted a new section of said chapter ninety-six to be known and designated as section 7a, and shall be and read as follows:

Section 7a. The judge of the municipal court shall appoint a phonographic reporter for said court, who shall be an officer of said court and shall before entering upon the duties of his office take and subscribe the constitutional oath. Section 2439 of the statutes of 1898 shall apply to such reporter and said court and section 4141, of the statutes of 1898, shall apply to transcribed copies of the testimony and proceedings taken by such reporter. Such reporter shall receive a salary of fifty dollars each month until January first, A. D. 1904, and thereafter shall receive such compensation as shall be fixed by the county board of supervisors of Langlade county, and which salary shall be paid by the county of Langlade at the end of each month.

SECTION 5. All acts and parts of acts inconsistent, conflicting with, or contravening the provisions of this act, are hereby repealed.

SECTION 6 This act shall take effect and be in force from and after its passage and publication.

Approved May 6, 1903.

No. 557, A.]

[Published May 8, 1903.

CHAPTER 172.

AN ACT to authorize David R. Davis and William L. Davis, their heirs, associates and assigns, to build, construct and maintain dams across the Chippewa river, in Chippewa county, Wisconsin.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Location of dam. SECTION 1. David R. Davis and William L. Davis, their heirs, associates and assigns, are hereby authorized to build, construct and maintain a dam across the Chippewa river in Chippewa county, Wisconsin, on the south half of section thirty (30), in township thirty (30) north, of range seven (7) west; and also, another dam across said Chippewa river, in said county, on lot one (1), of section twenty-nine (29), and lot four (4) of section twenty, in township thirty (30) north, of range seven (7) west; such dams to be built, constructed and maintained for milling, manufacturing and hydraulic purposes; also to erect and maintain on and in said river near said dams, mills, machinery, booms, and piers and all other structures, appendages and improvements necessary and proper to enable the said David R. Davis and William L. Davis, their heirs, associates and assigns, to use the water of said river and the water power created by said dams for said purposes.

Slide. SECTION 2. The height of each of said dams shall not exceed twenty-eight feet above ordinary low water, but neither of said dams shall be built, constructed or maintained so high as to overflow, or in any manner, injure, damage or interfere with the full and complete enjoyment by the owners thereof, of the water power, dam site, or mill site, located on said Chippewa river in section eighteen (18), in township thirty-one (31) north, of range six (6) west, or so as to in any wise retard the free flowage of tail race water from any dam or other improvement which may hereafter be erected, built or constructed on or at any such water power, dam site, or mill site; and each of said dams shall be so built, constructed and maintained as not to obstruct or impede the running and driv-

ing of logs and timber down said river and over and through said dams, and a suitable log slide, sufficient in width, shall be built, constructed and maintained in each of said dams at the expense of the owner or owners thereof, together with such piers and guide booms as may be necessary and requisite to pass, free of charge, all logs and timber down said river and over and through said dams without delay, hindrance or waste whenever there shall be any logs or timber to pass down said river.

Fishway. SECTION 3. The dam so erected shall be provided with a good and sufficient fishway, to be approved by the state board of commissioners of fisheries, and said fishway shall at all times be kept in good repair and open for the free and easy passago of fish up and down said dam. In case the owner or owners of said dam shall neglect or refuse to construct or keep in repair or keep open such fishway, as required by the provisions of this act, they shall, upon conviction thereof, be fined not less than twenty-five dollars nor more than one hundred dollars.

Powers conferred. SECTION 4. Said David R. Davis and William L. Davis, their heirs, associates and assigns, for the purpose of acquiring any flowage rights that they or either of them may deem necessary in carrying out the provisions and purposes of this act, may have and exercise all the rights and powers granted to corporations by sections 1777a to 1777d, inclusive, of the statutes of 1898, which are not inconsistent with the purposes and provisions of this act.

SECTION 5. The right of the legislature to alter, amend or repeal this act is hereby reserved.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved May 6, 1903.

No. 456, A.]

[Published May 8, 1903.

CHAPTER 173.

AN ACT establishing the Kilbourn Inter County Fair association on the same basis as other county fairs, and directing the secretary of state to audit the claims of said association for state aid hereafter.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Audit authorized. SECTION 1. The secretary of state is hereby authorized to audit the claims of the Kilbourn Inter County Fair association of Kilbourn City, Wisconsin, for the year 1903, and each year thereafter, upon said association complying with the provisions of chapter 60, statutes of 1898, relating to state aid for county agricultural societies.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 6, 1903.

No. 438, A.]

[Published May 8, 1903.

CHAPTER 174.

AN ACT to authorize A. P. Bixby and Andrew Bottolfson, their heirs and assigns, to build and maintain a dam across Apple river, Polk county, Wisconsin.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Location of dam. SECTION 1. A. P. Bixby and Andrew Bottolfson, their heirs and assigns, are hereby authorized to construct and maintain a dam across Apple river, upon land owned by them in Polk county, Wisconsin, in section thirty (30) in township thirty-two (32) north, of range seventeen

(17) west; such dam to be constructed and maintained for milling, manufacturing and hydraulic purposes.

Powers conferred. SECTION 2. The said A. P. Bixby and Andrew Bottolfson, their heirs and assigns, for the purpose of acquiring any flowage rights that they may deem necessary in carrying out the provisions of this act, may exercise all powers granted to corporations by sections 1777a to 1777d, inclusive, of the statutes of 1898, including any amendments that may have been or may hereafter be, made to the same.

Fishway. SECTION 3. The dam erected under this act shall be provided with a good and sufficient fishway to be approved by the state board of commissioners of fisheries, and said fishway shall, at all times, be kept in good repair and open for the free and easy passage of fish up and down said dam. In case the owner, or owners, of said dam shall neglect or refuse to construct or keep in good repair, or keep open such fishway, as required in the provisions of this act, they shall, upon conviction thereof, be fined not less than twenty-five (25) dollars nor more than one hundred (100) dollars.

Slide or chute. SECTION 4. The dam erected under this act shall be provided with a slide, or chute, and such piers and guide booms as may be necessary for the free and safe passage of logs at the expense of the owner, or owners, of such dam.

Legislative rights reserved. SECTION 5. The right of the legislature to repeal or amend this act is hereby reserved.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved May 6, 1903.

No. 374, A.]

[Published May 8, 1903.

CHAPTER 175.

AN ACT to detach certain territory from the town of Browning in Taylor county and to create the town of Goodrich; to provide for town meetings therein and for a final settlement between said towns.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Territory detached; town of Goodrich defined. SECTION 1. All that portion of the present town of Browning in the county of Taylor in the state of Wisconsin, described as follows, to-wit: Township thirty-one (31) north, of range three (3) east, of the fourth principal meridian in the state of Wisconsin situated in and now forming a part of the present town of Browning is hereby set off and detached from said town of Browning and is hereby created and organized as a separate town to be known and designated as the town of Goodrich.

Powers conferred. SECTION 2. The said town of Goodrich is hereby created and organized with all the rights, powers and privileges conferred upon and granted to other towns in the state, subject to all the general laws enacted for town government therein.

Ratio of assets and liabilities to town of Browning. SECTION 3. The assets and liabilities of the said towns of Browning and Goodrich shall be apportioned to the said towns of Browning and Goodrich in proportion to the valuations of the taxable property within said towns respectively, as determined by the assessment roll for the year 1902.

First town meeting, where and when held. SECTION 4. The first town meeting of the said town of Goodrich shall be held on the second Tuesday of June, A. D. 1903, in the store building of the Rib River Land Company on the southeast quarter of the southwest quarter of section 23, in township 31 north, of range 3 east.

Inspectors appointed. SECTION 5. The qualified electors of the said town of Goodrich shall at such town meeting held as

provided for in section 4 of this act, in the manner provided by law, elect town officers for said town and for the purposes of such election the qualified electors of said town of Goodrich shall, between the hours of nine and eleven o'clock in the forenoon of said day, choose three of their number to act as inspectors of said election and such inspectors shall, before entering upon their respective duties, severally take the usual oath of office and file the same with their returns and such inspectors shall respectively canvass and return the votes cast at such election in all respects as provided by law for inspectors at an annual town meeting. All necessary clerks of said election shall be appointed by said inspectors or a majority thereof to assist said inspectors in conducting said town meeting and in canvassing and returning the votes cast at such election.

When town deemed organized. SECTION 6. When said town meeting shall have been held as herein provided and the town officers required by law duly elected, the said town of Goodrich shall be deemed and shall be duly organized and shall possess all the rights, powers, privileges and authority and shall be subject to all the liabilities of other towns in the state of Wisconsin. After the first town meeting all annual meetings shall be held on the day provided by law for the holding of town meetings in the other towns in the state of Wisconsin.

Notice, how given. SECTION 7. Notice of said first town meeting shall be given by the posting of a copy of this act in at least six public places in said town of Goodrich at least ten days prior to the holding of said first town meeting, by any duly qualified elector of said town, who shall make a proper affidavit of such posting and file the same on the day of the first town meeting with the inspectors chosen to conduct said first town meeting.

Joint meeting of supervisors. SECTION 8. The supervisors of the town of Browning and the supervisors of the town of Goodrich shall on the 16th day of June, A. D. 1903, meet at the office of the town clerk of the town of Browning for the purpose of making a settlement between the towns aforesaid according to the provisions of this act, and at said meeting or at any subsequent, or adjourned, meeting held by said town boards of supervisors, any three of the supervisors shall have full power and authority to send for any persons, books, papers and records necessarily involved, or needed, in the settlement between the said two towns. The town clerk of the town of

Browning shall be, and act, as the clerk of said meeting, and the town clerk of the town of Goodrich shall be present and assist, and sufficient duplicates or copies of all proceedings had shall be made in order that each town may have one for the use and information of the town clerk and the town board of supervisors thereof. Each town shall be chargeable with the expense and for the services and per diem of its own officers only, and the bills therefor shall be audited and paid by the respective towns of Browning and Goodrich as other bills are by law authorized to be audited and paid.

SECTION 9. This act shall take effect and be in force from and after its passage and publication.

Approved May 6, 1903.

No. 294, A.]

[Published May 8, 1903.

CHAPTER 176.

AN ACT to appropriate money for the further prosecution of the geological and natural history survey of the state.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Appropriation of \$5,000 additional. SECTION 1. There is hereby appropriated for the further prosecution of the geological and natural history survey of the state, out of any moneys in the treasury not otherwise appropriated, the sum of five thousand dollars annually, in addition to the sum now appropriated by law. This money shall be expended by the commissioners of said survey for the purpose of executing the duties assigned them by chapter 297 of the laws of 1897, and any other duties which may be assigned to them by the legislature, and especially for the investigation of the clays and clay industries and the completion of the survey of the lead region.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 6, 1903.

No. 259, A.]

[Published May 8, 1903.

CHAPTER 177.

AN ACT to appropriate a certain sum to the eastern Wisconsin firemen's association.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Appropriation when payable. SECTION 1. There is hereby appropriated to the eastern Wisconsin firemen's association, the sum of three hundred dollars (\$300.00) out of any moneys not otherwise appropriated. This appropriation is for the years 1903 and 1904, and the said sum so appropriated, shall be paid to said association in two equal payments to be made on or before the first day of June in each of said years.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 6, 1903.

No. 255, A.]

[Published May 8, 1903.

CHAPTER 178.

AN ACT to authorize Cornell Land & Power Company, a Wisconsin corporation, its successors and assigns, to build and maintain a dam across the Chippewa river, in section 18, town 31, range 6 west, in Chippewa county, Wisconsin.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Location. SECTION 1. Cornell Land & Power Company, a Wisconsin corporation, its successors and assigns, are hereby authorized to build, erect and maintain a dam across the Chippewa river, at Brunette Falls, in section eighteen (18), town thirty-one (31), range six (6) west, in Chippewa county, Wis-

consin, at any point they may select, said dam to be built, erected and maintained for milling, manufacturing and hydraulic purposes; also to erect and maintain on and in said river, near said dam, mills, machinery, booms and piers, and all other structures, appendages and improvements necessary and proper to enable the said Cornell Land & Power Company, its successors and assigns, to use the water of said river, and the water power created by said dam for said purposes.

Slide. SECTION 2. The height of said dam shall not exceed thirty-eight (38) feet above ordinary low water, and shall be so built, erected and maintained as not to obstruct or impede the running and driving of logs and timber down said river, and over and through said dam, and a suitable log slide, sufficient in width, shall be built, constructed and maintained in said dam at the expense of the owner thereof, together with such piers and guide booms as may be necessary and requisite to pass free of charge all logs and timber down said river, and over and through said dam, without delay, hindrance or waste whenever there shall be any logs or timber to pass down said river.

Fishway. SECTION 3. The dam so erected shall be provided with a good and sufficient fishway to be approved by the state board of commissioners of fisheries, and said fishway shall, at all times, be kept in good repair and open for the free and easy passage of fish up and down said dam. In case the owner or owners of said dam shall neglect or refuse to construct or keep in repair, or keep open such fishway, as required by the provisions of this act, they shall, upon conviction thereof, be fined not less than twenty-five dollars nor more than one hundred dollars.

Powers conferred. SECTION 4. The said Cornell Land & Power Company, its successors and assigns, for the purpose of acquiring anyflowage rights that they may deem necessary in carrying out the provisions of this act, may exercise all the rights and powers granted to corporations by sections 1777a to 1777d, inclusive, of the statutes of 1898, and all acts of legislature amendatory thereof and supplemental thereto, and not inconsistent with the provisions of this act.

SECTION 5. The rights of the legislature to repeal or amend this act is hereby reserved.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved May 6, 1903.

No. 203, A.]

[Published May 8, 1903.]

CHAPTER 179.

AN ACT to amend section 3940 of the statutes of 1898, and adding a new section to be numbered section 3940a, relating to the assignment of estates.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Assignment of estate; discharge of executor. SECTION 1. Section 3940 of the statutes of 1898 is hereby amended by adding to said section at the end thereof the following: "Such order or judgment shall be a discharge of the executor, administrator or other person in whose possession the property may be at the time the order or judgment is made, on filing with the county court a receipt therefor."

Duplicate receipts taken. SECTION 2. A new section is hereby added to the statutes of 1898 to be numbered and to read as follows: "Section 3940a. If any person who is entitled to share in the residue, of any estate mentioned in the preceding section, be a minor or an incompetent person and has a general guardian appointed by any other county court of this state or by a court of a foreign state or country, the executor, administrator or other person shall take from such guardian, who shall have received his appointment from another court, a duplicate receipt and file the same with the county court making such order or judgment, and such court shall transmit a duplicate receipt or a certified copy of such receipt to the court from which such guardian received his appointment. This provision with reference to duplicate receipts of guardians shall apply to the sale of mortgaging of real estate by general or special guardians under chapter 151 of the statutes of 1898."

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved May 6, 1903.

No. 73, A.]

[Published May 8, 1903.]

CHAPTER 180.

AN ACT to authorize the Long Lake Improvement Company, a corporation, to repair, reconstruct, build and maintain a dam, at the outlet of Long Lake, on government lot No. three (3), section No. eighteen (18), township No. thirty-two (32), north of range No. eight (8) west.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Location of. SECTION 1. For the purpose of improving the navigation of Long Lake, in the county of Chippewa, Wisconsin, the Long Lake Improvement Company, a corporation, its successors or assigns, is hereby authorized to repair, add to, reconstruct and maintain, or build, erect and maintain a dam, on the north shore of Long Lake on the southerly side of government lot No. three (3), in section No. eighteen (18), township No. thirty-two (32) north of range No. eight (8) west, at a point in said government lot No. three (3), at or near the outlet of said Long Lake, and upon or near the site and location of the dam now being at said outlet; provided, that in the repair or reconstruction of the present dam, or the building and erecting of a new dam, the public highway extending over and across the present dam shall be kept and reserved in its present state of usefulness.

Rights and powers conferred. SECTION 2. The said Long Lake Improvement Company, its successors or assigns, for the purpose of acquiring any flowage rights that it or they may deem necessary in carrying out the provisions of this act, may exercise all powers granted by sections 1777a to 1777d, inclusive, of the statutes of Wisconsin.

Fishway. SECTION 3. The dam so erected shall be provided with a good and sufficient fishway to be approved by the state board of commissioners of fisheries, and said fishway shall, at all times, be kept in good repair and open and free for the easy passage of fish up and down said dam. In case the owner or owners of said dam shall neglect or refuse to construct or keep in repair, or keep open such fishway, as required by the pro-

visions of this act, they shall, upon conviction thereof, be fined not less than twenty-five dollars nor more than one hundred dollars.

Legislative rights reserved. SECTION 4. The right of the legislature to amend or repeal this act is hereby expressly reserved.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved May 6, 1903.

No. 36, A.]

[Published May 8, 1903.

CHAPTER 181.

AN ACT to authorize Alwin A. Muck, of the town of Brule, Douglas county, Wisconsin, his heirs, associates and assigns, to build and maintain a dam across the Brule river, in Douglas county, Wisconsin, for the purpose of improving the navigation of said river and creating hydraulic power for the operation of machinery and for other lawful purposes.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Location of dam. SECTION 1. Alwin A. Muck, of the town of Brule, Douglas county, Wisconsin, his heirs, associates and assigns, are hereby authorized to build and maintain a dam across the Brule river, in Douglas county, Wisconsin, at any point he or they may select on section twenty-two, in township forty-seven north, of range ten west, of the height of not more than thirty-six feet above low water mark, for the purpose of improving the navigation of said river and for the creation of water power for the operation of machinery of all kinds which he or they may see fit to erect; and said Alwin A. Muck, his heirs, associates and assigns, may sell or lease the right to use the water power created by said dam, to any person or persons whomsoever.

Slide or chute. SECTION 2. Said Alwin A. Muck, his heirs, associates and assigns, shall provide and furnish said dam with

a sufficient slide or chute for the safe passage of logs down and over said dam without delay, hindrance or waste; and said dam shall be provided with such piers and guide booms, as may be necessary for the free passage of logs at the expense of the owner of said dam.

Powers conferred. SECTION 3. For the purpose of acquiring the necessary lands, or rights, easements or privileges in lands, necessary for flowage, so that the complete construction of said dam and improvements, under this act or any law heretofore passed, may be successfully carried out, said Alwin A. Muck, his heirs, associates and assigns shall have and may exercise and enjoy the rights granted and conferred by sections 1777a to 1777d, inclusive, of the statutes of 1898, and such amendments thereto as have been or may be made.

Fishway. SECTION 4. The dam so erected shall be provided with a good and sufficient fishway to be approved by the state board of commissioners of fisheries, and said fishway shall, at all times, be kept in good repair and open for the free and easy passage of fish up and down said dam. In case the owner or owners of said dam shall neglect or refuse to provide said dam with such fishway, or to keep the same open and in repair, as provided herein, they shall, upon conviction thereof, be fined not less than twenty-five dollars nor more than one hundred dollars.

Time limit. SECTION 5. The rights and privileges granted by this act are upon the express condition that substantial work upon said dam shall be commenced within four years from the date of the passage of this act.

Conflicting laws repealed. SECTION 6. All laws, acts and parts of acts in conflict with the provisions of this act are hereby repealed.

SECTION 7. The power to alter, extend, amend or repeal this act is hereby reserved.

SECTION 8. This act shall take effect and be in force from and after its passage and publication.

Approved May 6, 1903.

No. 14, A.]

[Published May 8, 1903.

CHAPTER 182.

AN ACT to authorize the La Crosse and Black River Railroad Company, its successors and assigns, to build and maintain a dam across Black river in Jackson county, Wisconsin, for the purpose of improving the navigation of said river, and the creating of hydraulic power and the transmission of light and heat with which to operate this railroad, and for other lawful public purposes.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Location of dam. SECTION 1. The La Crosse and Black River Railroad Company, a corporation duly organized under and by virtue of the laws of the state of Wisconsin, its successors and assigns, are hereby authorized to build and maintain a dam across Black river, the southerly end thereof, to abut on lot two (2), and the northerly end thereof to abut on lot eight (8), all in section one (1), township twenty-one (21) north, of range four (4) west, in Jackson county, Wisconsin, of the height of thirty (30) feet above low water mark, for the purpose of improving the navigation of said river and the creating of hydraulic power and the transmission of light and heat with which to operate its railroad and for any other lawful public purpose.

Slide or chute. SECTION 2. Said La Crosse and Black River Railroad Company, its successors and assigns, shall provide and furnish said dam with a sufficient slide, or chute, for the safe passage of logs, which shall be twenty-four (24) feet in width, substantially constructed, and of sufficient length to graduate the descent from within two feet from its top to the mean level of the water below; provided, that the provisions of section 1601 of the statutes of 1898 shall not apply to the dam erected under this act.

May acquire lands. SECTION 3. Said La Crosse and Black River Railroad Company, its successors and assigns, may acquire title to, or the right to use, any and all lands and property necessary or beneficial for flowage and may obtain the same by purchase, lease, license or any usual method or means of acquisition of title by act of parties.

Powers conferred. SECTION 4. Also for the purpose of acquiring the necessary lands or rights, easements, or privileges in lands necessary for flowage, so that the complete construction of said dam and improvements under this act, or any law heretofore passed, may be successfully carried out; said La Crosse and Black River Railroad Company, its successors and assigns, have and may enjoy the rights granted to, and conferred upon other corporations by sections 1777a to 1777d, both inclusive of the statutes of 1898, and such amendments thereto as may have been or may be, made.

Fishway. SECTION 5. The dam so erected shall be provided with a good and sufficient fishway to be approved by the state board of commissioners of fisheries, and said fishway shall, at all times, be kept in good repair and open for the free and easy passage of fish up and down said dam. In case the owner of owners of said dam shall neglect or refuse to construct or keep in repair, or keep open such fishway, as required by the provisions of this act, they shall, upon conviction thereof, be fined not less than twenty-five dollars nor more than one hundred dollars.

Passageway for logs. SECTION 6. The dam so erected shall be provided with such piers and guide booms, as may be necessary for the free and safe passage of logs, at the expense of the owner of such dam.

Time limit. SECTION 7. The rights and privileges granted by this act are upon the express conditions that substantial work upon such dam shall commence within four years from the date of the passage hereof.

No corporate powers. SECTION 8. No corporate powers or privileges are granted or intended to be granted by this act, and same shall not be construed or deemed to grant such power or privileges.

Rights reserved. SECTION 9. Nothing in this bill shall be construed as granting the right to obstruct the flow of water to the detriment, or abridge the rights and privileges granted to Jacob Spalding, his associates, heirs, successors or assigns, by Chapter 208 of the laws of Wisconsin for the year 1853, nor to interfere with the dam at Black River Falls, now owned by John S. Owen & Company and J. J. McGillivray, as now maintained or authorized to be maintained, enlarged or raised

in height pursuant to authority heretofore granted to any person or persons by act of legislature.

Legislative power reserved. SECTION 10. The power to alter, amend or repeal this act is hereby reserved.

SECTION 11. This act shall take effect and be in force from and after its passage and publication.

Approved May 6, 1903.

No. 20, A.]

[Published May 9, 1903.]

CHAPTER 183.

AN ACT to legalize conveyances of real property made by husband directly to wife, and the records of such conveyances.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Conveyances by husbands to wives legalized. SECTION 1. All conveyances of real property within this state made prior to March 23, 1895, in which a married man has conveyed real property directly to his wife, shall be and the same are hereby declared to be legal and valid, and the records of all such conveyances heretofore actually recorded in the office of the proper county, shall be in all respects valid and legal, and such conveyances and the records thereof shall have the same force and effect in all respects for the purpose of notice, evidence or otherwise as is or may be provided by law in regard to conveyances in other cases. Provided, that the provisions of this act shall not apply to any action or proceeding now pending in any of the courts of this state; provided, further, that this act shall not be construed to extend to any case where vested rights in any such property have been acquired by third parties.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 7, 1903.

No. 482, A.]

[Published May 8, 1903.]

CHAPTER 184.

AN ACT to appropriate to J. E. Jones, Byron Kinnear and James Towers a sum of money as therein named for expenses incurred under and by virtue of Chapter 282 of the Laws of 1901

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

\$1,074.82 appropriated. SECTION 1. There is hereby appropriated to J. E. Jones, Byron Kinnear and James Towers, out of any moneys in the general fund of the state treasury, not otherwise appropriated, the sum of one thousand seventy-four dollars and eighty-two cents for expenses incurred under and by virtue of chapter 282 of the laws of 1901.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 8, 1903.

No. 246, A.]

[Published May 9, 1903.]

CHAPTER 185.

AN ACT to grant relief to Walter Schmidt for injuries received at the Wisconsin Industrial School for Boys, at Waukesha, Wisconsin, in 1900, while an inmate thereof and legally confined therein, and to make an appropriation therefor.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Purpose of appropriation. SECTION 1. There is hereby appropriated to Walter Schmidt, of Madison, Wisconsin, the sum of one thousand dollars, in full for injuries sustained and re

received by him on the first day of November A. D. 1900, while an inmate of and legally confined in the Wisconsin Industrial School for Boys, at Waukesha, Wisconsin.

Payable to guardian. SECTION 2. Said sum of one thousand dollars shall be paid by the state treasurer out of the general fund of the state of Wisconsin, to the legally appointed and qualified guardian of said Walter Schmidt, said guardian to be appointed by the county court of Dane county, and said sum to be paid to said guardian upon his personally presenting to the state treasurer, a duly certified copy of his letters of guardianship and bond given by him as such guardian, and by further executing and delivering to the state treasurer a proper receipt and release for said Walter Schmidt and unto the state of Wisconsin.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved May 8, 1903.

No. 371, S.]

[Published May 9, 1903.

CHAPTER 186.

An Act to appropriate a certain sum of money to Frances H. Bardeen, widow of Hon. Charles V. Bardeen, late associate justice of the supreme court of Wisconsin.

The people of the state of Wisconsin represented in senate and assembly do enact as follows

Purposes of appropriation. SECTION 1. There is hereby appropriated to Frances H. Bardeen, widow of Honorable Charles V. Bardeen, late associate justice of the Supreme Court of the state of Wisconsin, deceased, the sum of twelve hundred and fifty dollars, being a sum equal to the salary of said Charles V. Bardeen, for one quarter; and the further sum of four hundred and twenty-eight dollars to defray the funeral expenses actually incurred by the governor, according to the usual custom in such cases; to be paid to her out of any money not otherwise appropriated.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 8, 1903.

No. 330, A.]

[Published May 9, 1903.]

CHAPTER 187.

AN ACT to provide for the collecting of dairy statistics.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Dairy statistics; duty of assessor. SECTION 1. It shall be the duty of the assessor of each town, village and city, at the time of making the annual assessment of property, to collect dairy statistics as follows:

Of creameries: The number, the value thereof, the number of patrons contributory, the number of cows contributory, the number of pounds of milk received, the number of pounds of butter made, the amount of money received for products sold during the preceding twelve months;

Of cheese factories: The number, the value thereof, the number of persons contributory, the number of cows contributory, the number of pounds of milk received, the number of pounds of cheese made, the amount of money received for products sold during the preceding twelve months;

Of milk condensing factories: The number, the value thereof, the number of patrons contributory, the number of cows contributory, the number of pounds of milk received, the number of pounds of condensed milk produced, the amount of money received for the products sold during the preceding twelve months;

Of butter: The number of pounds made on farms, the value thereof;

Of cheese: The number of pounds made on farms, the value thereof;

Of milk: The number of gallons sold by producers other than that furnished or sold to creameries, cheese factories or condensed milk factories.

And said assessor shall make duplicate certificates of such statistics, one of which he shall file in the office of the town, village or city clerk of his town, village or city as the case may be, and the other, with the clerk of his county, on or before the first day of August of the same year. The county clerk shall, on or before the fifteenth day of August of each year, forward to the secretary of state to be kept in his office, a certificate of the aggregate number of each of said items or products in his county as ascertained and compiled from the certificates of said assessors.

Names and addresses. SECTION 2. It shall be the further duty of each said assessor at the aforesaid time, to make duplicate lists comprising the name and location of each creamery, cheese factory and milk condensing factory located in his town, village or city, and the name and postoffice address of each owner or manager thereof, and the name and post office address of each buttermaker or cheesemaker thereof. He shall file one of said duplicate lists in the office of the town, village or city clerk of his town, village or city, as the case may be, and the other with the clerk of his county, on or before the first day of August of the same year. The county clerk shall, on or before the fifteenth day of August of each year, forward to the secretary of state, a corresponding complete list for his county as ascertained from the lists of said assessors.

For the purposes of this act, the term creamery or cheese factory, shall mean a creamery or cheese factory, in which the milk or cream from not less than three separate herds of cows, is manufactured into butter or cheese respectively.

Duty of Secretary of State. SECTION 3. The secretary of state shall compile in suitable form the information by him received, as provided in the preceding sections, and certify the same to the dairy and food commissioner before the first day of September of each year.

Blanks and instructions. SECTION 4. The secretary of state shall prepare and furnish to the proper officers, all blanks and instructions necessary for carrying out the provisions of this chapter.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved May 9, 1903.

No. 8, S.]

[Published May 12, 1903.]

CHAPTER 188.

AN ACT amending section 1494f of the statutes of 1898 by increasing the appropriation for inspection of apiaries to seven hundred dollars.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Inspector, duties; compensation. SECTION 1. Section 1494f of the statutes of 1898 is hereby amended by striking out the words "five hundred dollars" where they occur in the last line thereof and insert in lieu of the words so stricken out the words "seven hundred dollars," so that said section when amended shall read as follows: Section 1494f. The governor may appoint for a term of two years a state inspector of apiaries. Said inspector shall, when notified of the existence of the disease known as foul brood among apiaries, examine all such as are so reported and all others in the same locality and ascertain whether or not such disease exists, and if satisfied of its existence shall give the owner or person who has the care of such apiaries full instructions as to the manner of treating them. Within a reasonable time after making such examination the inspector shall make another examination thereof, and if the condition of any of them is such as in his judgment renders it necessary he may burn all the colonies of bees and all the comb necessary to prevent the spread of the disease. Such inspector shall, before such burning, give the notice provided for in and otherwise proceed pursuant to the provisions of section 1492b. The inspector shall make at the close of each calendar year a report to the governor stating the number of apiaries visited, the number of those diseased and treated, the number of colonies of bees destroyed and of the expenses incurred in the performance of his duties. Said inspector shall receive four dollars for each day actually and necessarily spent in the performance of his duties and be reimbursed the money expended by him in defraying his expenses; provided, that the total expenditure for such purposes shall not exceed seven hundred dollars per year.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 11, 1903.

No. 48, S.]

[Published May 12, 1903.

CHAPTER 189.

AN ACT to amend section 439a and 439b, and to repeal section 439c of the statutes of 1898, relating to attendance at school.

The people of the state of Wisconsin represented in senate and assembly do enact as follows

School attendance. SECTION 1. Section 439a of the statutes of 1898 is hereby amended so as to read as follows: Section 439a. Any person having under his control any child between the ages of 7 and 14 years, or any child between the ages of 14 and 16 years not regularly and lawfully employed in any useful employment or service at home or elsewhere, shall cause such child to be enrolled and to attend some public, parochial or private school regularly, during such period and hours of the calendar year (religious holidays excepted) as the public, parochial or private school in which such child is enrolled may be in session; provided, that in cities such child must attend school not less than 8 calendar months, and in towns, villages, and districts not less than 5 calendar months in each year, and provided further that this section shall not apply to any child not in proper physical or mental condition to attend school, who shall present the certificate of a reputable physician in general practice to that effect, nor to any child who lives in country districts more than two miles by the nearest traveled road from the school which the person having control of such child shall designate. Instruction during the required period elsewhere than at school by a teacher selected by the person having control of such child shall be equivalent to school attendance. Occasional legitimate absence from school attendance or instruction, shall not be deemed a violation of the provisions of this section. Any person who shall violate the provisions of this section shall, upon conviction thereof, be punished by a fine of not less than five dollars nor more than fifty dollars, or by imprisonment in the county jail not exceeding three months for each offense. Any person who shall be proceeded against under the provisions of this section may prove in defense that he is unable to compel the child under his control to attend school or work, and he shall be thereupon discharged from liability, and

such child shall be proceeded against as incorrigible, or otherwise, according to law, and in case of commitment, if the parents or person having control of such child desire it, such child shall be committed to a school or association controlled by persons of the same religious faith as such child, which is willing and able to receive and maintain it without compensation from the public treasury. When in any proceeding under this section there is any doubt as to the age of any child, a verified baptismal certificate or a duly tested birth certificate shall be produced and filed with the court. In case such certificates cannot be secured, upon proof of such fact, the record of age stated in the first school enrollment of such child shall be admissible as evidence thereof.

Duty of officers. SECTION 2. Section 439b of the statutes of 1898 is hereby amended so as to read as follows: Section 439b. In all cities of the first class the board of education or any board having similar powers, shall appoint three or more truant officers and in all other cities having more than 10,000 population by the last United States or state census, such board shall appoint one or more truant officers whose duty it shall be to see that the provisions of this and the last preceding section are enforced, and when of his personal knowledge, or by report or complaint from any resident of the city, a truant officer believes that any child is unlawfully and habitually absent from school and not otherwise receiving instruction as provided in section 439a as amended, he shall immediately investigate and render all service in his power, acting discreetly, to compel such child to attend some public, parochial or private school which the person having control of the child shall designate, or if over 14 years of age to attend school or become regularly employed at home or elsewhere, and upon failure he shall serve a written notice upon the person having control of such child requiring him to place such child in some public, private or parochial school within five days, and if such person shall fail to comply with such notice without legal excuse within the specified time, the truant officer shall prosecute such person in the manner provided in the preceding section. In all cities having less than 10,000 population by such census, and in all towns, villages and districts the board of education or any board having similar powers, or the district board may appoint one or more truant officers whose duties shall be the same as the truant officers above provided, and in case no truant officer is appointed, these duties shall be performed by the city superintendent of schools in

cities having such officers and by the chairman of the board of education or the district board in all other cities, towns, villages and districts. Any truant officer, or other officer whose duties are herein prescribed, who shall fail to comply with or enforce the provisions of this or the preceding section within fifteen days after a written notice has been served upon him by any qualified elector or taxpayer within the district, town, village or city within which the offending person shall reside, shall himself be liable to a forfeiture of not less than ten dollars nor more than twenty dollars for each offense, and any such elector or taxpayer may sue for such forfeiture. Truant officers shall receive only such compensation from the public school funds as may be determined upon by their respective boards and such truant officers shall report all cases of truancy and their action therein to their respective boards within seven days after such action shall have been taken. Any factory inspector or assistant factory inspector appointed by the commissioner of the bureau of labor and industrial statistics shall have the power of a truant officer, and shall report all cases of truancy coming to his knowledge to the board of the city, town, village or district in which such truant resides.

Special section repealed. SECTION 3. Section 439c of the statutes of 1898 and all acts and parts of acts in conflict with this act are hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved May 11, 1903.

No. 66, S.]

[Published May 12, 1903.]

CHAPTER 190.

AN ACT amendatory of section 2637 of the statutes of 1898, relating to the service of process on corporations organized under the laws of this state and repealing section 1775b of the statutes of 1898, and chapter 46 of the laws of 1899.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Service on corporations. SECTION 1. Sub-division 10 of section 2637 of the statutes of 1898 is hereby amended so as to read when amended as follows:

10. If against and other corporation organized under the laws of this state, to the president or other such chief officer, vice-president, secretary, cashier, treasurer, director or managing agent.

Provided, however, that whenever any such corporation does not have any officer or agent within this state upon whom legal service of process can be made, of which the return of the sheriff shall be prima facie evidence, service of the summons and accompanying complaint may be made by depositing duplicate copies thereof in the office of the secretary of state, one of which copies shall be filed in the office of said secretary of state, and the other by him immediately mailed, postage prepaid, addressed to said company at its office designated in its articles of incorporation on file in the office of the said secretary of state, and the plaintiff shall also cause the publication of the summons, or in lieu thereof a personal service of the same, with the accompany complaint, on any of the above named officers or agents of such corporation without the state, as provided in sections 2639 and 2640 of the statutes of 1898, and such service, when duly proved, shall be taken, deemed and treated as personal service on such corporation.

Special chapters repealed. SECTION 2. Section 1775b of the statutes of 1898, and chapter 46 of the laws of 1899, are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved May 11, 1903.

No. 104, S.]

[Published May 12, 1903.

CHAPTER 191.**AN ACT** to regulate the practice of barbering.

*The people of the state of Wisconsin represented in senate and
and assembly do enact as follows:*

Certificates of registration. SECTION 1. It shall be unlawful for any person to follow the occupation of barber in this state unless he shall have first obtained a certificate of registration as provided in this act. Provided, however, that nothing in this act contained shall apply to or affect any person who is now actually engaged in such occupation, except as hereinafter provided.

Board of examiners; term. SECTION 2. A board of examiners, to consist of three (3) persons is hereby created to carry out and enforce the provisions of this act. Said board shall be appointed by the governor and shall consist of practical barbers who have been for at least five (5) years prior to their appointment engaged in the occupation of barbers in this state. Each member of said board shall serve for a term of two (2) years and until his successor is appointed and qualified, except in the case of the first board, whose members shall serve one (1) two (2) and three (3) years respectively, and shall take the oath provided for public officers. Vacancies shall be filled by the governor for the unexpired portion of the term.

Officers; bond of treasurer. SECTION 3. Said board shall elect a president, secretary and treasurer, shall have a common seal and shall have the power to administer oaths. The office of secretary and treasurer may be filled by the same person, as said board may determine. The secretary and treasurer shall give a bond in the sum of one thousand (\$1,000) dollars with sureties approved by the secretary of state, conditioned for the faithful performance of the duties of the office.

Compensation. SECTION 4. Each member of said board shall receive a compensation of three (3) dollars per day and actual expenses for actual service, three (3) cents per mile for

each mile actually traveled in attending the meetings of the board, which compensation shall be paid out of any moneys in the hands of the treasurer of said board; provided, that the said compensation and mileage shall in no event be paid out of the state treasury.

Inspection and examination. SECTION 5. Said board shall hold practical examinations at least four times in each year, said examinations to be held in cities in different parts of the state, distributed as equally as possible, for the convenience of applicants, and such other examinations at such times and places as they may from time to time determine. Whenever complaint is made that any barber shop is kept in an unsanitary condition, or that contagious diseases have been imparted, a member of the board shall visit and inspect such shop or shops and enforce the provisions of this act. The board shall keep a record of all their proceedings, shall also show whether such applicant was registered or rejected by examination or otherwise, and said book and register shall be prima facie evidence of all matters required to be kept therein.

Affidavit and fee. SECTION 6. Every person now engaged in the occupation of barbering in this state shall within ninety (90) days after the approval of this act, file with the secretary of said board an affidavit setting forth his name, residence, and length of time during which, and the place where he has practiced such occupation, and shall pay to the treasurer of said board one dollar (\$1) and a certificate of registration entitling him to practice said occupation in this state shall be issued to him.

Qualifications required. SECTION 7. Any person desiring to obtain a certificate of registration under this act shall make application to said board therefor, pay to the treasurer of said board an examination fee of one dollar (\$1), present himself at the next regular meeting of the board for the examination of applicants, and if he show that he has studied the trade for one (1) year as an apprentice under one or more practicing barbers or for at least one (1) year in a properly appointed barber school, under the instructions of a competent barber, or practiced the trade for at least three (3) years in this state or other states, and that he is possessed of the requisite skill in such trade to properly perform all the duties thereof, including his ability in preparation

of the tools, shaving, hair cutting and all the duties and services incident thereto, and of sufficient knowledge concerning the common diseases of the face and skin to avoid the aggravations and spreading thereof in the practice of said trade, his name shall be entered by the board in the register hereafter provided for and a certificate of registration shall be issued to him authorizing him to practice said trade in this state. All persons making application for examination under the provisions of this act shall be allowed to practice the occupation of barbering until the next regular meeting of said board. The word "occupation" as used in this act shall be construed to include any barber who shall have devoted any portion of his time to the business of barbering within the past three (3) years, whether engaged in other business or not.

Apprentice; student. SECTION 8. Nothing in this act shall prohibit any person from serving as an apprentice in said trade under a barber authorized to practice the same under this act or from serving as a student in any school for the training of such trade under the instructions of a qualified barber.

Card or insignia; annual fee. SECTION 9. Said board shall furnish to each person to whom a certificate of registration is issued, a card or insignia bearing the seal of the board and the signature of its president and secretary, certifying that the holder thereof is entitled to practice the occupation of barber in this state, and it shall be the duty of the holder of such card or insignia to post the same in a conspicuous place in front of his working chair where it may readily be seen by all persons whom he may serve. Said card or insignia shall be renewed on or before the first day of July in each year, and the holder of said certificate of registration shall pay to the treasurer of said board the sum of one (1) dollar for said renewal card or insignia. Upon failure of any holder of a certificate of registration to apply for a renewal of his card or insignia on or before the first day of July in each year, his said certificate of registration may be revoked by said board, subject to the provisions of section 11 of this act.

Barbers' register. SECTION 10. Said board shall keep a register in which shall be entered the names of all persons to whom certificates are issued under this act, and said register shall be at all times open to public inspection.

Quarantine; revocation. SECTION 11. If any shop be found in an unsanitary condition, or if the holder of any certificate be charged with imparting any contagious or infectious disease, the board shall immediately notify the local health officer thereof, and such shop may be quarantined and the barber so charged shall not practice his occupation until such quarantine be removed by the health officer. Said board shall have power to revoke any certificate of registration granted by it under this act for conviction of crime, habitual drunkenness for six (6) months immediately before a charge duly made, gross incompetency, or for imparting contagious or infectious diseases. Provided, that before any certificate shall be so revoked the holder thereof shall have notice in writing of the charge or charges against him, and shall at a day specified in said notice, at least five (5) days after the service thereof, be given a public hearing and be given an opportunity to present testimony in his behalf and to confront the witness against him. Any person whose certificate has been revoked may after the expiration of ninety (90) days apply to have his certificate regranted, and the same shall be regranted to him upon his giving satisfactory proof that the disqualification has ceased.

Occupation of barber defined. SECTION 12. To shave or trim the beard or cut the hair of any person for hire by the person performing such service or any other person, shall be construed as practicing the occupation of barber within the meaning of this act.

Penalty. SECTION 13. Any person practicing the occupation of barber in this state, without having obtained a certificate of registration, as provided by this act, or wilfully employing a barber who has not such a certificate, or falsely pretending to be qualified to practice such occupation under this act, or violation of any of the provisions of this act, is guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than twenty-five (25) dollars or more than one hundred (100) dollars or by imprisonment in the county jail not less than ten (10) days or more than ninety (90) days.

SECTION 14. This act shall take effect and be in force from and after July 1st A. D. 1903.

Approved May 11, 1903.

No. 204, S.]

[Published May 12, 1903.]

CHAPTER 192.

AN ACT amendatory of section 4 of chapter 43 of the laws of 1901, entitled "An act to amend sections 1379—13, 1379—18, 1379—19, 1379—21, 1379—24, 1379—31, of the statutes of 1898, relating to drainage districts," in relation to the enforcement of the collection of drainage assessments against towns and the interest thereon.

The people of the state of Wisconsin, represented in senate and assembly do enact as follows:

Unpaid assessments. SECTION 1. Section 4 of chapter 43 of the laws of 1901, is hereby amended, by adding at the end thereof, the following: "If any assessment or assessments made against any town or any installment or installments thereof or any interest thereon or any such assessment or assessments or any installment or installments thereof and the interest thereon are not paid when due, and if an appeal has not been taken within the thirty days after the entry of the order of confirmation, the commissioners shall certify all such due and unpaid sums to the clerk of the town against which the assessment or assessments is made, as due and unpaid for such work, and thereupon the town clerk shall assess on the next tax roll the amount thereof with interest from the date such assessment or assessments or installment or installments thereof or interest thereon became due to the time when the warrant for the collection thereof will expire, upon the taxable property of the said town, and the same shall be collected and returned as other town taxes, and when collected shall be paid to the commissioners, and this section shall be applicable to any assessment or assessments or to any installment or installments thereof heretofore or hereafter made against towns and to the interest heretofore and hereafter becoming due thereon, under section 1379, subdivisions 11 to 31, inclusive, of the statutes of 1898, and the acts supplementary thereto and amendatory thereof."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 11, 1903.

No. 268, S.]

[Published May 12, 1903.

CHAPTER 193.

AN ACT amendatory of chapter 17, laws of 1895, relating to the municipal court of Manitowoc county.

The people of the state of Wisconsin, represented in senate and assembly do enact as follows:

Jurisdiction of municipal judge defined. SECTION 1. Section 5 of chapter 17, laws of 1895, is hereby amended so as to read as follows: Section 5. The judge of said municipal court shall have all the jurisdiction, authority, power and rights given by law to justices of the peace in criminal actions; he shall have exclusive original jurisdiction to hear, try and determine all criminal actions arising within said county which are not punishable by commitment to the state prison, and shall have power to sentence and commit all persons convicted of any offense of which he has jurisdiction; he shall have exclusive jurisdiction throughout said county to institute and conduct examinations in all criminal cases occurring in said county, including bastardy. Said judge shall have power and jurisdiction throughout said county, to cause to come before him persons who are charged with committing any criminal offense or bastardy, and commit them to jail, or bind them over as the case may be; on a plea of guilty by the accused, and a request by him to be sentenced, the said judge shall have power, authority, and jurisdiction to sentence the accused for any offense except homicide, and no justice of the peace, police justice or court commissioner within said county shall exercise any jurisdiction in criminal or bastardy cases or proceedings, except that in felony or bastardy cases justices of the peace may issue warrants returnable before the judge of said municipal court, and when so doing, they shall cause the complaint in such action to be forthwith filed in said municipal court.

Dockets to be kept; trial by jury. SECTION 2. Section 7 of chapter 17, laws of 1895, is hereby amended so as to read as follows: Section 7. The judge of said municipal court shall keep one docket for criminal trials and proceedings, and a sepa-

rate docket for civil actions, in the same manner, as far as applicable, as dockets of justices of the peace are required to be kept. The practice and procedure in said court, so far as applicable, shall comply with the laws relating to justice courts. Trial by jury may be had in the manner hereafter provided by this act. The judge of said court shall have the power and right in his discretion to instruct the jury in the same manner juries are instructed in the circuit courts of this state. Appeals may be taken in the same manner and with like effect as from courts of justices of the peace. Transcripts of judgments of said municipal court may be filed and docketed with the clerk of the circuit court for said county with the same effect as may be transcripts of judgments rendered by justices of the peace of said county.

Actions, how removed; county judge called in, when. SECTION 3. Section 8 of chapter 17, laws of 1895, is hereby amended so as to read as follows: Section 8. Actions pending in said municipal court may be removed from the judge thereof in the following manner: In all civil cases if the defendant shall, on the return day of the process and before any proceedings are had on his part, and in all criminal cases within the jurisdiction of said court to try and determine, if the defendant shall, before he pleads to the complaint, make and file an affidavit that from prejudice or other cause, he believes the judge of said court will not decide impartially in the matter, the judge of said court shall, by an order in writing, to be filed in said court, call in the judge of the county court of said county, and in case of the latter's inability to respond, any justice of the peace of said county to try the same; and said county judge of said justice of the peace is hereby authorized to act as judge of said municipal court in such action and when so acting shall have and possess all the powers and authority imposed by law upon the judge of said municipal court. Whenever any person charged with having committed any offense, including bastardy, shall be brought before the judge of said court for examination in accordance with the provisions of law and shall, before the commencement of the examination, make and file an affidavit, that, from prejudice or other cause he believes the judge of said court will not decide impartially in the matter, the judge of said court shall, by an order in writing, to be filed in said court, call in the judge of the county court of said county, and in case of the latter's inability to respond, any court commissioner of said county to hold and con-

duct such examination, but no case shall be removed after a second adjournment had therein; and said county judge or said court commissioner is hereby authorized to act as judge of said municipal court in such action and when so acting shall have and possess all the powers and authority imposed by law upon the judge of said municipal court. In case of the absence, sickness or temporary disability of the judge of said court, he is unable to perform his duties, he may, by order in writing, to be filed in said court, call in the judge of the county court of said county, and in case of the latter's inability to respond any justice of the peace of said county to act in the stead of the judge of said court; and said county judge or said justice of the peace is hereby authorized to act as the judge of said municipal court in any and all matters, actions or proceedings pending or that may come before said court and when so acting shall have and possess all the powers and authority, and may perform and discharge all the duties imposed by law upon the judge of said municipal court. All papers to be subscribed by the county judge, justice of the peace or court commissioner shall be subscribed in form as follows. A. B., county judge, justice of the peace, court commissioner (as the case may be) and acting judge of municipal court. Such justice of the peace or court commissioner shall receive for his compensation two dollars for each half day actually spent by him in the discharge of his duties as aforesaid, to be paid by the county of Manitowoc in the same manner as fees of other attending officers are paid.

Collection of fees, fines, penalties. SECTION 4. Section 11 of chapter 17, laws of 1895, is hereby amended so as to read as follows: Section 11. It shall be lawful for the judge of said municipal court to charge, tax and collect the same costs and fees in all actions in said court as are allowed by law to be taxed and collected in courts of justices of the peace; provided, that no costs or fees shall be taxed for the services of said judge or the services of the clerk of said court for taking testimony in any cause except the legal fees for transcripts furnished by said judge; and in cases of appeal the costs of transcribing the testimony, at the same rate as provided in the circuit court, shall be taxed as an item of subsequent costs in said action.

Said judge shall keep in a separate book provided therefor an itemized account of all moneys received by him by virtue of his office, which said book shall be a part of the records of said court. All fees, fines and penalties by him collected, it shall be his duty to pay over, at the end of each month, to the treas-

mer of Manitowoc county, taking a receipt therefor, which receipt, together with an itemized account of the amount so paid, he shall file in the office of the county clerk of said county.

Jurymen, how selected; compensation. SECTION 5. The senior alderman and supervisor for each ward of the city of Manitowoc, shall each, on or before the first Monday of May in each year, make a list of ten qualified electors in each ward in said city, to serve as jurors for the ensuing year in said municipal court when the same is held at the city of Manitowoc and deliver such list to the judge of said court. The senior alderman and supervisor for each ward of the city of Two Rivers, shall each, on or before the first Monday of May in each year, make a list of ten qualified electors in each ward in said city, to serve as jurors for the ensuing year in said municipal court when the same is held at the city of Two Rivers, and deliver such list to the judge of said court. The first lists so made shall hold good until the first Monday of May, A. D. 1904. In all actions in said municipal court a trial by jury shall be deemed waived unless a demand for a trial by jury shall be made in the manner provided in courts of justices of the peace. A jury in said municipal court shall consist of six jurors. Whenever a trial by jury is demanded when said municipal court is being held at the city of Manitowoc, the clerk of said court shall draw in the presence of the court and the parties to the action or their attorneys, from a box containing the names of all the persons so furnished by the senior alderman and supervisor of the city of Manitowoc eighteen names and makes a list thereof, whenever a trial by jury is demanded when said municipal court is being held at the city of Two Rivers, the clerk of said court shall draw in like manner from a box containing the names of all the persons so furnished by the senior alderman and supervisor of the city of Two Rivers names each party, commencing with the plaintiff, may strike eighteen names and make a list thereof; from such list of out alternately six names; and in case of the absence of either party or his refusal to strike out, the judge of said court shall appoint some other person to strike out such names; the judge of said court shall issue a venire requiring the officer to summon the six persons whose names remain upon said list of names to appear at the time and place mentioned therein to make a jury for the trial of such action; if any person thus drawn cannot be summoned or be excused for any cause the clerk of said court shall draw from said box three names, and each party may strike out one name, and the person remaining

shall be summoned in like manner. Should the whole list be exhausted without procuring a jury in any case, the attending officer shall then be ordered to summon the necessary number of persons from the county at large, and outside of the limits of the city where said municipal court is then being held, to act as talesmen to complete such jury. The fees of the jurors in said court shall be one dollar for each half day actually occupied in the discharge of his duties as such juror to be paid by the county in the same manner as jurors in justices' courts are paid.

Conflicting laws repealed. SECTION 6. All acts or parts of acts in conflict with this act are hereby repealed.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved May 11, 1903.

No. 357, S.]

[Published May 12, 1903.

CHAPTER 194.

AN ACT to authorize the commissioners of fisheries to remit the damages for a certain trespass on the lands of the fish hatchery grounds near Bayfield, in the state of Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly do enact as follows:

Trespass, remission of. SECTION 1. The commissioners of fisheries are hereby authorized to remit, with the approval of the attorney general, any claim for damages by trespass in cutting timber upon lands owned by the state in connection with the hatchery near Bayfield, in the state of Wisconsin, so far as liability therefor falls upon the donor of the lands so trespassed upon.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 11, 1903.

No. 363, S.]

[Published May 12, 1903.]

CHAPTER 195.

AN ACT conferring additional jurisdiction on the county court of Adams county.

The people of the state of Wisconsin, represented in senate and assembly do enact as follows

Jurisdiction. SECTION 1. There is hereby conferred upon the county court of Adams county, jurisdiction as follows:

The county court of the county of Adams shall have cognizance of and jurisdiction to hear, try and determine, all actions and proceedings at law wherein the amount of debt, damages, penalty or forfeiture shall not exceed the sum of five hundred dollars; actions to recover the possession of personal property with damages for the unlawful taking or detention thereof, wherein the value of the property claimed shall not exceed the sum of five hundred dollars, and all charges for offenses arising within said county and which are not punishable by commitment to the state prison; and the judge of said county court shall have power to sentence and commit all persons convicted of any offense of which said court has jurisdiction.

Said court shall have power and jurisdiction throughout said county to cause to come before it persons who are charged with any criminal offense and commit them to jail or bind them over to circuit court as the case may require. The judge of said court shall further have all the jurisdiction, authority, powers and right given by law to justices of the peace and shall be subject to the same prohibitions and penalties as justices of the peace.

Judgment by confession, how taken. SECTION 2. A judgment by confession may be entered before the judge of the county court of the county of Adams in any sum not exceeding five hundred dollars, without action, either for money due or to come due or to secure any person against contingent liability on behalf of the defendant, or both, if a statement in writing be made, signed by the defendant and verified by his oath to the following effect:

First. It must state the amount for which judgment may be entered and authorize the entry of judgment therefor.

Second. If it be money due or to come due, it must state concisely the fact out of which it arose and must show that the sum confessed therefor is justly due or to come due.

Third. If it be for the purpose of securing the plaintiff against a contingent liability, it must state concisely the fact constituting the liability and must show that the sum confessed does not exceed the sum.

Removal of actions from justice courts. SECTION 3. Whenever any action, examination or other proceeding shall be removed from any justice of the peace of said county of Adams upon the oath of the defendant, his agent or attorney, according to the provisions of law for such removal, if said defendant, his agent or attorney, shall request in writing to said justice that the action, examination or other proceeding be removed to the said county court, then the action, examination or other proceeding and all papers therein, shall be transmitted to the presiding judge thereof who shall proceed with the action, examination or other proceeding in the same manner as if originally instituted before him.

Trial by jury. SECTION 4. In all cases arising in said court under this act or in which the said court shall obtain jurisdiction as in this act specified, a trial by jury may be had in the same manner and process as in justice court.

Sheriff's, etc., powers and fees. SECTION 5. The sheriff and constables of Adams county shall have the same power to serve and execute processes of this court as of justices' court and shall be entitled to receive the same fees.

Summons, form of. SECTION 6. The summons in all civil actions may be in the following form:

Adams County, }
Town of Adams. } ss.

The state of Wisconsin to the sheriff or any constable of said county:

You are hereby commanded to summon A. B. if he shall be found within your county, to appear before the undersigned, the county judge of said county, at the county court room, in said court house in the town of Adams, county aforesaid, on the.....day of.....at..... noon, to

answer to C. D., plaintiff, to his damage, five hundred dollars, or under.

Hereof fail not at your peril.

Given under my hand at Friendship, Adams county, Wisconsin, this.....day of....., A. D. 19....

.....,
County Judge.

and all other writs, warrants and processes necessary to be issued in this act shall be in the form prescribed by law for justices of the peace and justices' courts, but under the name of the county judge of said Adams county; and all processes issued by said county judge under the provisions of this act shall be made returnable within the same time as like processes issued by justices of the peace under existing laws and shall be served within the same time and in the same manner as like processes of justices of the peace are required to be served under existing laws.

Attorneys' fees. SECTION 7. In all civil actions under this act in the county court in the county of Adams, the plaintiff, if he shall obtain judgment, shall be entitled to recover attorneys' fees as follows: On all judgments taken in actions wherein the defendant does not appear or demur when the amount of the judgment exceeds one hundred dollars and is less than three hundred dollars, ten dollars. When the amount of the judgment is three hundred dollars and upwards, fifteen dollars. On all other judgments when the amount does not exceed one hundred dollars, an amount equal to ten per centum of the amount of the judgment. When the amount of the judgment exceeds the sum of one hundred dollars, ten dollars, on the first one hundred dollars, and five per centum on the amount of the judgment in excess of one hundred dollars, provided that in no case shall the amount of the attorney fee exceed the sum of twenty dollars. And in case judgment shall be for the defendant, he shall be entitled to recover attorney fees as follows: In cases where the plaintiff shall claim in his complaint one hundred dollars or less, an assessment equal to ten per centum of such claim. In all cases where the plaintiff shall claim in his complaint a sum of over one hundred dollars, ten dollars for the first one hundred dollars and five per centum on the amount claimed in excess of one hundred dollars, provided that in no case shall the amount of attorney fees exceed the sum of twenty dollars.

The provisions of this section shall apply to proceedings for the recovery of possession of personal property and the value of the property as found if judgment be for the plaintiff, and as claimed, if judgment be for the defendant, shall be the basis for the taxation of attorney fees and in all other civil actions not herein provided for, an attorney fee of ten dollars shall be allowed to the party in whose favor judgment is rendered, provided, however, that no attorney fee shall be allowed unless the party who recovers the judgment shall appear by an attorney of a court of record.

Stenographer; compensation; costs, how taxed. SECTION 8. It shall be lawful for said judge to call in a stenographer to take testimony in any trial, examination or proceeding before him under this act, which stenographer shall receive ten cents per folio for taking and transcribing said testimony. The fees above specified shall, in all civil cases, be taxed as costs against the losing party. In criminal cases they shall be returned to the county as part of the costs in the case. A transcribed copy of the notes so taken, shall be filed in lieu of the minutes required by law to be taken by justices of the peace in like proceedings.

Appeals, how taken. SECTION 9. Appeals from said county court shall be made to the circuit court of Adams county and the manner and form and time of taking such appeal shall be in the manner and form and time of taking such appeal from justice court.

Stationery and blanks. SECTION 10. All needful stationery and blanks required by said court in criminal actions and examinations and the judge's docket required by law to be kept in such actions, shall be furnished at the expense of Adams county.

Transcripts of judgment, how filed. SECTION 11. The provisions of section 2900 of the statutes of 1898, shall apply to the filing of all transcripts of judgments in this court with the clerk of the circuit court, so far as the same are applicable thereto.

Conflicting laws repealed. SECTION 12. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

SECTION 13. This act shall take effect and be in force from and after its passage and publication.

Approved May 11, 1903.

No. 311, S.]

[Published May 12, 1903.

CHAPTER 196.

AN ACT to amend section 4 of chapter 360 of the laws of 1901, entitled "An act to provide for registration of trade marks and other marks of ownership and to prevent the unlawful use of and disposal of articles marked therewith."

The people of the state of Wisconsin, represented in senate and assembly do enact as follows:

Penalty for unlawful use. SECTION 1. Section 4 of chapter 360 of the laws of Wisconsin for the year 1901, is hereby amended so as to read as follows: Section 4. Any person or persons or corporation or any officer or agent of any corporation acting for or in the name of such corporation who shall knowingly and wilfully with intent to unlawfully convert to his own use violate any of the provisions of this act, shall be punished by imprisonment in the county jail not more than six months, or by fine of not more than two hundred dollars, or by both such fine and imprisonment.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 11, 1903.

No. 291, S.]

[Published May 12, 1903.

CHAPTER 197.

AN ACT to amend section 1222e, statutes of 1898, as amended by chapter 354 of the laws of 1899, relating to the payment of license fees by street railway and electric companies.

The people of the state of Wisconsin, represented in senate and assembly do enact as follows:

Division of license fees between two or more municipalities.

SECTION 1. Section 1222e of the statutes of 1898 as amended by chapter 354, laws of 1899, is hereby further amended so as to read as follows: Section 1222e. In case such railway shall be operated in more than one municipality or in case such business of furnishing light or power shall be carried on in more than one municipality, or in a municipality other than that in which such street railway is operated, so much of such license fee as was produced from gross receipts in the business of furnishing light or power, shall be divided between the municipalities in which such receipts were obtained in proportion to the amount obtained in each; and so much of such license fee as was produced from receipts from street railway operation shall be divided between the several municipalities through or in which the street railway was operated in proportion to the mileage of street railway track in each such municipality, except that one mile of track in each city or incorporated village shall be taken and deemed equivalent to three miles of track outside of such cities and villages.

In every such case the statement required by section 1222c shall be correctly set forth and show the number of miles of track operated in each such municipality, the amount of gross receipts from the operation of such railway and, separately, the amount of gross receipts obtained in each such municipality from the business of furnishing electric light and power. A duplicate of such statement shall be filed with the treasurer of each such municipality and payment of the proportion of license fee due to each shall be made to the treasurer thereof at and within the times for filing statement of receipts and making payment of license fees specified in section 1222c.

The treasurer of each such municipality shall pay, on or before March 1st in each year, to the treasurer of the county in which such municipality is located, twelve per cent. of the license fee so collected as a just and proper proportion of the amount thereof, to be applied as state and county tax, and the county treasurer shall pay, on or before April 1st in each year, to the state treasurer three-fourths of the amount so received by him as a just and proper proportion of each license fee, to be applied as a state tax and to be in lieu thereof.

Where there is more than one taxing district or ward in any such municipality, the comptroller of such municipality or other proper officer, shall, on or before December 30th in each year, apportion eighty-eight per cent. of such license fee so collected and paid to such municipality, among the taxing districts or wards thereof through which the line of railway or line of lighting plant shall pass, according to the number of feet of railway track or wire in each such ward or taxing district; and when so apportioned the same shall belong to and be a part of the respective ward funds, and shall be used for ward fund purposes only in case of any such division is made in such municipality under its charter and ordinances, otherwise the fund shall belong to the city.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 11, 1903.

No. 209, S.]

[Published May 12, 1903.

CHAPTER 198.

AN ACT to amend chapter 91 of the statutes of 1898, relating to religious societies.

The people of the state of Wisconsin, represented in senate and assembly do enact as follows:

Body corporate to hold title. SECTION 1. Chapter 91 of the statutes of 1898, is hereby amended by inserting after section 1998 of said statutes, a new section as follows: Sec-

tion 1998a. When any diocesan council, convention or conference or any synod or other body of authorized representatives of any church, or religious denomination, shall have elected trustees and such trustees shall have become a body corporate as provided in said section 1998, the title to all moneys and to all property, real, personal and mixed, and to all legacies and bequests that shall be given, granted, devised or bequeathed to or be purchased by such diocesan council, convention, conference, synod or other body of authorized representatives of any church or religious denomination, shall vest in the body corporate, formed by such trustees and shall be used, managed and conveyed by such corporation under the direction of and for such uses and purposes and to the extent and under such restrictions and limitations as may from time to time be prescribed by such diocesan council, convention, conference, synod or other body of authorized representatives of such church or religious denomination.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 11, 1903.

No. 149, S.]

[Published May 12, 1903.

CHAPTER 199.

AN ACT to amend chapter 381 of the laws of 1901, and for the purpose of erecting a suitable monument on the battlefield of Shiloh, now a national park, and to appropriate a certain sum of money.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Appropriation. SECTION 1. Section 2 of chapter 381 of the session laws of 1901, is hereby amended by striking out the word "ten" where it occurs in said section, and inserting in place thereof the word "fifteen;" and also by striking out the words "Provided, however, that only Wisconsin granite shall be used," where the same appears in the last line of said section, so that said section will read as follows:

Powers granted. SECTION 2. For the purpose of erecting suitable monuments upon the battlefield of Shiloh, now a national park, commemorative of the Wisconsin troops engaged in said battle on April 6 and 7, 1862, and for the purpose of defraying expenses of the commissioners referred to in the preceding section of this act, there is hereby appropriated out of any money in the treasury not otherwise appropriated, the sum of fifteen thousand dollars. This sum shall be for the purchase of a monument and expenses aforesaid for each organization from Wisconsin engaged in said battle, which were as follows: Fourteenth regiment Wisconsin volunteer infantry, sixteenth regiment Wisconsin volunteer infantry, and eighteenth regiment Wisconsin volunteer infantry. Provided, however, that if in the judgment of the five commissioners one general monument for all these organizations shall be more desirable, then such commissioners shall have the right to so select and erect one general monument.

SECTION 2. This act shall be in full force and effect from and after its passage and publication.

Approved May 11, 1903.

No. 95, S.]

[Published May 12, 1903.]

CHAPTER 200.

AN ACT to amend chapter 125 of the laws of 1901, relating to the memorial hall for Wisconsin soldiers and sailors.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Custodian of memorial hall; compensation. SECTION 1. Section 5 of chapter 125 of the laws of 1901 is hereby amended by adding after the word "janitor" in the first line thereof, the words "and custodian" and by striking out after the word "rooms" in the third line of said section all of said section and inserting in place thereof the following: "The salary of said janitor and custodian shall be one thousand dollars a year," so that said section 5, when so amended, shall read as follows: Section 5. A janitor and custodian, who shall be an ex-soldier

or sailor, shall be appointed by the governor, whose duty shall be to take proper care of said rooms. The salary of said janitor and custodian shall be one thousand dollars a year.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 11, 1903.

No. 654, A.]

[Published May 12, 1903.

CHAPTER 201.

AN ACT amendatory of section 925—139 of the statutes of 1898, relating to board of review.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Board of review, how constituted. SECTION 1. Section 925—139 is hereby amended so as to read when so amended as follows:

Section 925—139. In cities of the first class the mayor, clerk, tax commissioner and assessor or assessors, shall constitute the board of review, and in all other cities the mayor, assessor or assessors, city clerk and the supervisors of the different wards of any city, shall constitute such board of review.

Conflicting laws repealed. SECTION 2. Any and all acts or parts of acts, contravening or inconsistent with the provisions of this act, are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved May 11, 1903.

No. 615, A.]

[Published May 12, 1903.

CHAPTER 202.

AN ACT, to better provide for the care and safety of the records in the state land office.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Appropriation for shelving. SECTION 1. The superintendent of public property is hereby authorized and directed to procure for the vaults of the state land office, steel roller shelving sufficient to accommodate all the patent records now in that office, and such other records therein as in the opinion of the commissioners of the public lands, possess special value, and also to furnish such metallic filing casings as may be necessary to properly file the records of said office.

SECTION 2. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, a sum sufficient to carry out the provisions of this act not exceeding one thousand dollars.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved May 11, 1903.

No. 581, A.]

[Published May 12, 1903.

CHAPTER 203.

AN ACT to authorize the inspecting of, and to secure a report upon the building and care of tenement houses.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Powers of inspection conferred. SECTION 1. The commissioner of labor statistics and the inspectors employed in his department are hereby authorized at all reasonable hours to inspect tenement houses for the purpose of ascertaining the sanitary conditions of such buildings and also to ascertain whether or not the same are crowded so as to seriously interfere with the health of the occupants; to ascertain whether or not a sufficient quantity of wholesome water is introduced into such buildings and proper provisions made for closets and other conveniences necessary to preserve the health of the occupants.

Like authority is conferred upon the state board of health and the several boards of health in the cities of the state.

Commissioner's report; recommendations. SECTION 2. It shall be the duty of the commissioner of labor statistics to embody a report of his investigation in his next biennial report and make such recommendations as to building tenement houses as will tend to preserve the health of the occupants of such buildings.

Like authority is conferred upon the state board of health.

SECTION [3.] This act shall be in force from and after its passage and publication.

Approved May 11, 1903.

No. 288, A.]

- [Published May 12, 1903.

CHAPTER 204.

AN ACT providing for the disqualification of court commissioners in certain cases, and creating a new section of the statutes of 1898, to be known and designated as section 2582a, adding the same thereto and providing a penalty for the violation of said section.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Court commissioner, when disqualified. SECTION 1. There is hereby created and added to the statutes of 1898, a new section thereof which shall be known and designated as section 2582a, and which shall be and read as follows:

Section 2582a. A court commissioner, or any judge acting as such, shall not act or take part in the decision of, or make any order in any matter or proceeding in which he is a party, or in which his rights would be in any manner affected by his decision or order thereon, or in which he is interested, or in which his law partner, or any person connected with him as employer, employee, or clerk, or in the law business in any manner, shall be interested or appear as a party, agent, attorney or counsel. Any court commissioner, or judge, acting as such, violating this section shall forfeit twenty-five dollars for each such violation, and shall also be subject to removal from office.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 11, 1903.

No. 104, A.]

[Published May 12, 1903.]

CHAPTER 205.

AN ACT to amend sections 1941—24 and 1941—26 of the statutes of 1898, pertaining to church insurance corporations.

The people of the state of Wisconsin, represented in senate and assembly do enact as follows:

Powers. SECTION 1. Section 1941—24 is hereby amended by inserting in the second line of sub-division one of said section, after the word "official board" the words "pastor or member," and by inserting after the word "minister," in the fifth line of said sub-division of said section the words "or member," and by striking out the word "three," from line seven of said sub-division of said section and inserting in its place the word "five," so that said sub-division of said section, when amended, shall read as follows:

Section 1941—24. Such corporation, in addition to the powers given by chapter 85, shall have power:

1. To make contracts of insurance in this state and elsewhere with any church board of trustees or official board or member of any religious denomination against loss or damage by fire, lightning or other casualties on any property, real or personal, held by said church or the official representative thereof for said church, or held or owned by its pastor or minister or member for such premium or consideration and under such regulations or restrictions as such corporation may provide in its by-laws; provided, that no single risk shall exceed five thousand dollars.

Members' rights. SECTION 2. Section 1941—26 is hereby amended by striking out the words "every church, religious society and corporation, minister or pastor holding a policy insuring property in any such corporation for five hundred dollars" and inserting in the place of the same the words "every policy holder of such corporation," so that said sub-section, when amended, shall read as follows:

Section 1941—26. Every policy holder of such corporation shall be a member thereof, so long as the policy is in force, and

each said policy holder shall be entitled to one vote for every five hundred dollars of insurance carried by the corporation. Each church, society and corporation holding such a policy may cast its vote or votes by its representative chosen by the trustees or other governing body thereof.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved May 11, 1903.

No. 268, A.]

[Published May 13, 1903.

CHAPTER 206.

AN ACT to authorize the La Crosse and Northern Railway Company, its successors and assigns, to build and maintain a dam across Black River in La Crosse and Trempealeau counties, Wis., for the purpose of improving navigation in said river, creating hydraulic power to operate its railroad, and for the production and transmission of light, heat and power, and for any other lawful purpose.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Location of dam. SECTION 1. The La Crosse and Northern Railway Company, a corporation duly organized under and by virtue of the laws of the state of Wisconsin, its successors and assigns, are hereby authorized to build and maintain a dam across Black River, the southerly end thereof to abut either on lot five (5) in section one (1) or on lot seven (7) in section two (2), all of township eighteen (18) north, of range eight (8) west, in La Crosse county, Wisconsin, and the northerly end thereof to abut on lot four (4) in section one (1) or on lot one (1) in section two (2), all of township eighteen (18) north of range eight (8) west, in Trempealeau county, Wisconsin, of the height of not more than twenty-four (24) feet above low water mark, for the purpose of improving the navigation of said river, and creating hydraulic power to operate its railroad and for the production and transmission of light,

heat and power for commercial and for any other lawful purpose.

Slide or chute. SECTION 2. Said La Crosse and Northern Railway Company, its successors and assigns, shall provide and furnish said dam with a sufficient slide or chute for the passage of logs, which shall not be less than twenty-four (24) feet in width, substantially constructed, and shall be of sufficient length to graduate the descent from its top to the mean level of the water below in such manner as to render safe and practicable the passage of logs over said dam; provided that the provisions of section 1601 of the statutes of 1898, shall not apply to the dam built under this act.

Property rights. SECTION 3. Said La Crosse and Northern Railway Company, its successors and assigns, may acquire title to or right to use any and all lands and property necessary or beneficial for flowage or other necessary purposes and may obtain the same by purchase, lease, license, or any usual method or means of acquisition of title by act of parties.

Powers conferred. SECTION 4. Also, for the purpose of acquiring the necessary lands or rights, easements or privileges in lands necessary for flowage or other necessary purposes, so that the complete construction of said dam and improvements under this act, or any law heretofore passed, may be successfully carried out; said La Crosse and Northern Railway, its successors and assigns, shall have and may enjoy the rights granted to and conferred upon other corporations by sections 1777a to 1777d, both inclusive, of the statutes of 1898, and such amendments thereto as may have been or may be made.

Fishway. SECTION 5. The dam created shall be provided with a good and sufficient fishway to be approved by the state board of commissioners of fisheries, and said fishway shall at all times be kept in good repair and open for the free and easy passage of fish up and down said dam. In case the owner or owners of said dam shall neglect or refuse to construct or keep in repair or keep open such fishway, as required by the provisions in this act, they shall, upon conviction thereof, be fined not less than twenty-five dollars nor more than one hundred dollars.

Passage way. SECTION 6. The dam so erected shall be provided with such piers and guide booms, as may be necessary

for the free and safe passage of logs, at the expense of the owner of such dam.

Time limit. SECTION 7. The rights and privileges granted by this act shall be forfeited, unless the dam herein mentioned shall be partly or wholly constructed and be operated for the production of power within six years after the passage of this act.

Construction. SECTION 8. No corporate powers or privileges are granted or intended to be granted by this act, and the same shall not be construed or deemed to grant such power or privileges.

SECTION 9. The power to alter, amend or repeal this act is hereby reserved.

SECTION 10. This act shall take effect and be in force from and after its passage and publication.

Approved May 11, 1903.

No. 105, A.]

[Published May 13, 1903.

CHAPTER 207.

AN ACT amendatory of section 926—2 of the statutes of 1898, relating to annexation of territory to cities operating under special charter.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Annexation of territory; local option. SECTION 1. Section 926—2 of the statutes of 1898, is hereby amended by inserting after the word “annexed” at the end of the sixth line of said section, the following: “In case said petition for annexation of territory to any city of the second, third or fourth class shall pray that said territory be annexed without license, it shall, in case said territory is annexed to said city, be unlawful for the common council of said city to grant license for the sale of intoxicating liquors in said territory, unless the question of li-

license or no license shall have been submitted to the lawful electors of said territory, at a special meeting to be held for that purpose in the manner provided by law for holding special elections in a ward in said city, and a majority of all of the votes cast on said question shall be in favor of granting license to sell such intoxicating liquors," so that said section when so amended shall read as follows:

Section 926—2. Territory lying adjacent to any city so incorporated may be annexed to such city in the manner provided by sections 925—17 to 925—21 inclusive; provided, that the petition required by section 925—18 shall be sufficient for the purposes therein mentioned if signed by one-half of the resident electors and the owners of one-half of the real estate within the limits of the territory proposed to be annexed. In case said petition for annexation of territory to any city of the second, third or fourth class shall pray that said territory be annexed without license, it shall, in case said territory is annexed to said city, be unlawful for the common council of said city to grant license for the sale of intoxicating liquors in said territory, unless the question of license or no license shall have been submitted to the lawful electors of said territory at a special meeting to be held for that purpose in the manner provided by law for holding special elections in a ward in said city, and a majority of all of the votes cast on said question shall be in favor of granting license to sell such intoxicating liquors. Territory may also be detached from any such city in the manner prescribed by section 925—21a.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 11, 1903.

No. 46, A.]

[Published May 13, 1903.]

CHAPTER 208.

AN ACT to refund to certain life insurance companies the excess of license fees for the year 1901 paid into the treasury of this state before the passage of chapter 21 of the laws of 1901, and making an appropriation therefor.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Preamble. Whereas, The Aetna Life Insurance Company of Hartford, Connecticut, and the Metropolitan Life Insurance Company of New York city and the Home Life Insurance Company of New York, did in the year 1901, before the passage of said chapter 21, pay into the treasury of this state certain sums of money, to-wit, the said Aetna Life Insurance Company of Hartford, Connecticut, \$3,456.45, and the said Metropolitan Life Insurance Company of New York city, \$2,896.88, and said Home Life Insurance Company of New York, \$546.65, as and for their respective license fees, to authorize them to do business in this state for the year commencing March 1, 1901, as provided by section 1220 of the statutes of 1898, as amended by chapter 326 of the laws of 1899, and

Preamble. Whereas, After such payment, and on February 28, 1901, chapter 21 of the laws of 1901 became a law, whereby said section 1220 of the statutes of 1898, as amended by chapter 326 of the laws of 1899, was amended and the annual license fee of life insurance companies of other states to do business in this state was reduced to \$300; now, therefore,

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Companies concerned. SECTION 1. The secretary of state is hereby authorized to draw warrants, and the state treasurer is hereby authorized to pay from the general fund said warrants, to refund to the Aetna Life Insurance Company of Hartford, Connecticut, and the Metropolitan Life Insurance Company, of New York city, and the Home Life Insurance Company of New York, the moneys due them respectively, as afore-

said, on account of the payment by said companies of the sums aforesaid, and the subsequent passage of said chapter 21, of the laws of 1901, as follows:

To the Aetna Life Insurance Company of Hartford, Connecticut, the sum of \$3,156.45.

To the Metropolitan Life Insurance Company of New York city, the sum of \$2,596.88.

To the Home Life Insurance Company of New York, the sum of \$246.65.

Appropriations. SECTION 2. There is hereby appropriated out of the general fund five thousand nine hundred and ninety-nine dollars and ninety-eight cents (\$5,999.98) for the purpose of making the said payments as herein provided.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved May 11, 1903.

No. 657, A.]

[Published May 13, 1903.

CHAPTER 209.

AN ACT authorizing Robert Gregnon, his successors and assigns, to build and maintain a dam across the Pecor brook in Oconto county, Wisconsin.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Location of dam; purpose. SECTION 1. Robert Gregnon, his successors and assigns, are hereby authorized to build and maintain a dam across the Pecor brook on the northeast quarter of the northwest quarter and the west half of the northwest quarter, section 18, town 29, range 17, in Oconto county, Wisconsin, for the purpose of improving the navigation of said brook and facilitating the driving of logs and timber down said stream, provided, that said dam shall not interfere with the rights of any person heretofore acquired.

Powers conferred. SECTION 2. Also for the purpose of acquiring the lands, rights, easements and privileges in lands necessary for flowage, so that the complete construction of said dam and improvements under this act, or any law heretofore passed, may be successfully carried out, said Robert Gregnon, his successors and assigns, have and may enjoy the rights granted to and conferred upon corporations by sections 1777a to 1777d, inclusive, of the statutes of 1898, and such amendments thereto as may have been, or may be made.

Fishway. SECTION 3. The dam so erected shall be provided with a good and sufficient fishway to be approved by the state board of commissioners of fisheries, and said fishway shall at all times be kept in good repair and open for the free and easy passage of fish up and down said dam. In case the owner or owners of said dam shall neglect or refuse to construct or keep in repair or keep open such fishway, as required by the provisions of this act, they shall, upon conviction, be fined not less than twenty-five dollars nor more than one hundred dollars.

SECTION 4. The power to alter, amend or repeal this act is hereby reserved.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved May 11, 1903.

No. 655, A.]

[Published May 13, 1903.]

CHAPTER 210.

AN ACT to authorize Daniel C. Baldwin and Hannah C. Baldwin, their heirs and assigns, to build and maintain a dam across Red Cedar river, Dunn county, Wisconsin.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Location of dam. SECTION 1. Daniel C. Baldwin and Hannah C. Baldwin, their heirs and assigns, are hereby authorized to construct and maintain a dam across Red Cedar river upon

land owned by them in Dunn county, Wisconsin, in section eight (8), in township twenty-nine (29), north of range eleven (11) west; such dam to be constructed and maintained for milling, manufacturing, generating electricity, supplying municipalities and their inhabitants with light, heat and power, and any lawful purpose whatsoever, and said Daniel C. Baldwin and Hannah C. Baldwin, their heirs, associates and assigns, may sell or lease the right to use the water power created by said dam to any person or persons whatsoever.

Powers conferred. SECTION 2. The said Daniel C. Baldwin and Hannah C. Baldwin, their heirs and assigns, for the purpose of acquiring any flowage rights that they may deem necessary in carrying out the provisions of this act, may exercise all powers granted to corporations by sections 1777a to 1777d, inclusive, of the statutes of 1898, including any amendments that may have been, or may hereafter be, made to the same.

Fishway. SECTION 3. The dam erected under this act shall be provided with a good and sufficient fishway, to be approved by the state board of commissioners of fisheries, and said fishway shall, at all times, be kept in good repair and open for the free and easy passage of fish up and down said dam. In case the owner or owners of said dam shall neglect or refuse to construct or keep in good repair, or keep open such fishway, as required in the provisions of this act, they shall, upon conviction thereof, be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00).

Slide or chute. SECTION 4. The dam erected under this act shall be provided with a slide or chute and such piers and guide booms as may be necessary for the free and easy passage of logs, at the expense of the owner or owners of such dam.

SECTION 5. The right of the legislature to repeal or amend this act is hereby reserved.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved May 11, 1903.

No. 624, A.]

[Published May 13, 1903.

CHAPTER 211.

AN ACT to appropriate a certain sum of money for the purchase of stationery for the use of the state.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Appropriation for stationery. SECTION 1. There is hereby appropriated out of any money in the general fund not otherwise appropriated, the sum of ten thousand dollars, for the purchase of stationery for the state officers and departments for the year 1903 and 1904 and for the legislative session of 1905, said sum being the amount estimated to be necessary for the purposes specified.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 11, 1903.

No. 620, A.]

[Published May 13, 1903.

CHAPTER 212.

AN ACT to detach certain territory from the town of Lawrence in Gates county, and to create the town of Hawkins; to provide for town meetings therein and for a final settlement between said towns.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

The town of Hawkins defined. SECTION 1. All that portion of the present town of Lawrence in the county of Gates in the state of Wisconsin described as follows, to-wit: The east four tiers of sections of townships numbered 34, 35 and 36, north of range 3 west of the fourth principal meridian in the state

of Wisconsin, situated in and forming a part of the town of Lawrence is hereby set off and detached from said town of Lawrence, and is hereby created and organized as a separate town to be known and designated as the town of Hawkins.

Powers conferred. SECTION 2. The said town of Hawkins is hereby created and organized with all the rights, powers and privileges conferred upon and granted to other towns in the state, subject to all the general laws enacted for the town government therein.

Ratio of assets and liabilities. SECTION 3. The assets and liabilities of the said towns of Lawrence and Hawkins shall be apportioned to the said town of Hawkins pro rata in such proportion as the valuation of all the taxable property detached from said town of Lawrence bears to the whole of the assessed valuation of said towns of Lawrence and Hawkins, according to the assessment roll for the year A. D. 1902.

First town meeting. SECTION 4. The first town meeting of the said town of Hawkins shall be held on the third Tuesday of June, A. D. 1903, at the school house situated in the village of Hawkins.

Election of inspectors. SECTION 5. The qualified electors of said town of Hawkins shall at such town meeting, held as provided for by section number four of this act, in the manner provided by law, elect town officers for the said town, and, for the purpose of such election, the qualified electors of said town of Hawkins shall between the hours of nine and eleven o'clock in the forenoon of said day, choose three of their number to act as inspectors of said election, and said inspectors shall, before entering upon their respective duties, severally take the usual oath of office and file the same with their return; and said inspectors shall respectively canvass and return the votes cast at such election in all respects as provided by law for inspectors at annual town meetings. A town clerk and also all necessary clerks, for such election shall be appointed by said inspectors, or a majority thereof, to assist said inspectors in conducting said town meeting and in canvassing and returning the votes cast at said election.

When deemed organized. SECTION 6. When said town meeting shall have been held, as above provided, and the town officers required by law duly elected, the said town of Hawkins

shall be deemed and shall be duly organized, and shall possess all the rights, powers, privileges and authority, and shall be subject to all the liabilities of other towns in the state of Wisconsin. After said first town meeting all annual town meetings shall be held on the day provided by law for the holding of town meetings in other towns in the state of Wisconsin.

Notice. SECTION 7. Notice of said first town meeting shall be given by posting a copy of this act in at least six public places in said town of Hawkins, at least ten days prior to the time for holding said town meeting, by any duly qualified elector of said town, who shall make a proper affidavit of such posting and file the same on the day of said first town meeting with the inspectors chosen to conduct said first town meeting.

Joint meeting of supervisors. SECTION 8. The supervisors of the town of Lawrence and the supervisors of the town of Hawkins shall, on the 25th day of June, 1903, meet at the office of the town clerk of the town of Lawrence for the purpose of making a settlement between said two towns, according to the provisions of this act, and at said meeting, or at any subsequent or adjourned meeting held by said town boards of supervisors, any three of the supervisors shall have full power and authority to send for any persons, books, papers and records necessarily involved or needed in the settlement between the said two towns. The town clerk of the town of Lawrence shall be and act as the clerk of said joint meeting, and the town clerk of the town of Hawkins shall be present and assist, and sufficient duplicates or copies of all proceedings had shall be made in order that each town may have at least one for the use and information of the town clerk and the town board of supervisors thereof. Each town shall be chargeable for the expenses, and for the services, and per diem of its own officers only, and the bills therefor shall be audited and paid by the respective towns of Lawrence and Hawkins, as other bills are by law authorized to be audited and paid.

SECTION 9. This act shall take effect and be in force from and after its passage and publication

Approved May 11, 1903.

No. 488, A.]

[Published May 13, 1903.

CHAPTER 213.

AN ACT creating and enacting a new section of the statutes of 1898, to be known and designated as section 925i, and adding said section to said statutes of 1898, relating to the division of taxes between duly incorporated towns and villages.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

SECTION 1. There is hereby created and enacted a new section of the statutes of 1898, which shall be known and designated as section 925i and which shall be and read as follows:

Division of taxes between towns and villages. Section 925i. Whenever a village has been or may hereafter be incorporated from territory within any town or towns, after the assessment of taxes in any year and before the collection of such taxes, the tax so assessed shall be collected by the town treasurer of the town or the town treasurers of the different towns of which such village formerly constituted a part, and all moneys collected from the tax levied for town purposes shall be divided between such village and such town or the towns, as the case may be, in the same manner provided by section number 925e, for the division of property owned jointly by towns and villages.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 11, 1903.

No. 387, A.]

[Published May 13, 1903.]

CHAPTER 214.

AN ACT to amend section 1947 of the statutes of 1898, relating to the organization of life insurance companies and their authority to do business.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Organization of company; authority to do business. SECTION 1. Section 1947 of the statutes of 1898 is hereby amended by inserting after the figures "1897" where the same appear at the end of the third line of said section the words "provided, that the provision of subdivision 7 of section 1897, relating to the time for which such corporation shall continue, shall not apply to life insurance corporation herein referred to," so that said section as amended shall read as follows: **Organization of company; authority to do business.** Section 1947. Any number of residents of this state, not less than nine, may form a corporation for granting life or accident insurance by complying with section 1897; provided, that the provision of subdivision 7 of section 1897, relating to the time for which such corporation shall continue, shall not apply to life insurance corporations herein referred to.

No life insurance corporation whatever shall do any business in this state, nor shall any person act as agent or otherwise within this state in receiving or procuring applications for life insurance or in any manner aid in transacting such business for any such corporation unless it shall have a guaranty capital paid in, in money of at least one hundred thousand dollars and invested as hereinafter provided, or actual assets to the like amount invested in stocks or bonds of the United States or of this state, estimated at their market value, or in such other stocks or securities as may be approved by the commissioner of insurance, or in mortgages being first liens upon real estate worth at least twice the amount of money loaned thereon, with abstract showing a good and sufficient title and the affidavit of two respectable free holders to the value of such property; nor until it shall have first procured a license from said commissioner authorizing it to issue policies of insurance in

this state and have paid therefor the license fee required to be paid by section 1220; provided, that in case any such life insurance corporation organized under the laws of any other state or country, having procured license as herein provided, shall remove or make application to remove into any court of the United States any action or proceeding begun in any court of this state upon a claim or cause of action arising out of any business or transaction done in this state it shall be and is hereby made the imperative duty of the commissioner to revoke any and every authority, license or certificate granted to such corporation or any agent thereof to transact any business in this state, and no such corporation or agent thereof shall thereafter transact any business of insurance in this state, till again duly authorized, and no renewal, license or certificate of authority shall be granted to such corporation for three years after such revocation; and, provided further, that if the license of any such corporation shall be revoked as aforesaid, the attorney last appointed and the agent last designated as acting as such for it shall continue attorney and agent for the purpose of serving process for beginning actions upon any policy or liability incurred or contracted in this state, while it transacted business therein so long as any such liability shall exist.

Conflicting laws repealed. SECTION 2. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved May 11, 1903.

No. 181, A.]

[Published May 13, 1903.]

CHAPTER 215.

AN ACT to amend section 1492a of the statutes of 1898, pertaining to the duty of local health boards and powers of veterinarian.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Duty of local health board; power of veterinarian. SECTION 1. Section 1492a of the statutes of 1898, is hereby amended by adding at the end thereof the following: "And shall be deemed guilty of a misdemeanor, and upon conviction thereof, punished by a fine of not less than twenty-five dollars (\$25.00) nor more than two hundred dollars (\$200), or by imprisonment in the county jail of not less than thirty days." And by also adding next following the amendment hereinbefore recited, the words: "If the local health officer or local board of health shall fail or refuse to co-operate with the state veterinarian or the live stock sanitary board in matters relating to the control and eradication of any contagious disease such as is involved in the quarantine or disposition of affected animals, or disinfection of infected premises, he or they shall be removed from office by the person or persons having power to make this appointment. The place shall be immediately filled by said appointive power," so that said section when so amended, will read as follows: Section 1492a. The various town, village and city boards of health shall take cognizance of the existence of contagious and infectious diseases among animals, report all cases thereof coming under their observation in their respective localities to the state veterinarian and co-operate with him to prevent their spread; any such board, or the health officer thereof, may order that any animal affected or suspected of being affected, with any such disease or which has been exposed thereto, shall be quarantined, and the removal thereof from any premises where it may be ordered to be kept shall be forbidden. If any such board shall be unable to determine the nature of any disease prevailing among animals they may request the state veterinarian to investigate the same. Said veterinarian may quarantine premises upon which is a domestic animal afflicted with a contagious

or infectious disease or that is suspected to be so afflicted or that has been exposed to such disease, and forbid the removal of any such animal or any animal susceptible to such disease therefrom by serving a written order upon the occupant or owner of such premises, and by posting a copy of such order at the usual entrance thereto; and if any such disease shall become epidemic in any locality he shall immediately notify the governor, who may thereupon issue a proclamation quarantining such locality, and forbidding the removal therefrom of any animal of the kind so diseased or of any kind susceptible to such disease without the written permission of the state veterinarian. Any person who shall remove, or allow the removal, without such permission, of any animal quarantined under the provisions of this section, shall be punished as provided by law, be liable to all persons injured thereby for the damages sustained, and forfeit all right to the indemnity which he might be entitled to under section 1492b. And shall be deemed guilty of a misdemeanor and upon conviction thereof punished by a fine of not less than twenty-five (\$25.00) dollars nor more than two hundred (\$200.00) dollars, or by imprisonment in the county jail for not less than thirty days. "If the local health officer, or local board of health shall fail or refuse to cooperate with the state veterinarian or the live stock sanitary board in matters relating to the control and eradication of any contagious disease such as is involved in the quarantine or disposition of affected animals, or disinfection of infected premises, he or they shall be removed from office by the person or persons having power to make this appointment. The place shall be immediately filled by said appointive power."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 9, 1903.

No. 210, A.]

[Published May 13, 1903.

CHAPTER 216.

AN ACT to appropriate to Al. Abraham a sum of money therein named.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

\$70 appropriated. SECTION 1. There is hereby appropriated to Al. Abraham, out of any moneys in the state treasury, not otherwise appropriated, the sum of seventy dollars in payment of medal presented to Captain Harry W. Newton by the state of Wisconsin, pursuant to the provisions of joint resolution number 10, laws of 1901.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 9, 1903.

No. 151, A.]

[Published May 13, 1903.

CHAPTER 217.

AN ACT relating to the incorporation of mutual fire insurance companies in cities and villages, and amendatory of section 1941—1, statutes of 1898.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Who may form; articles; filing papers; name. SECTION 1. Section 1941—1 of the statutes of 1898 is hereby amended by striking out "twenty-five" where it occurs in the second line of said section and inserting in lieu thereof the words "seventy-five;" and by striking out the words "twenty-five thousand" where they occur in the fourth line of said section, and inserting in lieu thereof the words "one hundred thousand;" and by

striking out the words "twenty-five thousand dollars," where they occur in the tenth and eleventh lines of said section, and inserting in lieu thereof the words "one hundred thousand dollars;" and by striking out the words "twenty-five" where they occur in the twenty-fifth line of said section, and inserting in lieu thereof the words "seventy-five;" and by striking out the words "city or village" where they occur in the twenty-sixth line of said section and inserting in lieu thereof the words "cities or villages;" and by striking out the words "twenty-five thousand dollars" where they occur in the twenty-sixth and twenty-seventh lines of said section, and inserting in lieu thereof the words "one hundred thousand dollars," so that said section when so amended shall read as follows: Section 1941—1. Any number of persons, not less than seventy-five, residing in any city or cities, incorporated or unincorporated village or villages, who collectively shall own insurable property of not less than one hundred thousand dollars in value which they desire to have insured, may form themselves into a corporation for mutual insurance against loss or damage by fire or lightning by complying with the following conditions, namely: They shall sign articles of organization which shall be substantially in the following form:

The undersigned, all residents of the city of _____, or cities or villages of _____, in the county of _____ and state of Wisconsin, and owners of at least one hundred thousand dollars' worth of property which we desire to insure, do hereby associate for the purpose of forming a mutual fire insurance corporation to do such insurance in any city or cities or villages in the county above named, under the provisions of the statutes of said state. The name of such corporation shall be (here insert corporate name in full). The officers thereof shall be a board of directors of _____ (insert the number, which shall be not less than five), a president, secretary and treasurer and such others as may be provided for in the by-laws; and its office shall be in any one city or village in the county aforesaid, designated by the directors.

The following named persons shall constitute the first board of directors and shall hold their respective offices until the first annual meeting following the date of these articles and until their successors are elected (here insert names of the first board of directors). In witness whereof we have hereunto subscribed our names this _____ day of _____, A. D. 19—.

Such articles shall be subscribed by at least seventy-five adult residents of the cities or villages therein named who collectively are owners of at least one hundred thousand dollars' worth of property which shall be insured by such corporation; and when so signed shall be filed and recorded in the office of the register of deeds of such county; and at the same time or within thirty days thereafter a copy of the constitution and by-laws of such corporation, with the names of its officers, shall be filed in said office and a copy of the same and of its policy and of each blank used in the transaction of its business shall be filed for preservation in the office of the commissioner of insurance; and thereupon the persons subscribing said articles and such as shall afterwards become insured thereby shall be a corporation by the name mentioned in said articles, with the usual powers and subject to the usual duties and liabilities of a corporation for the purposes hereinafter mentioned. The name of such corporation shall embrace the name of the city or village in which the same is located.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 11, 1903.

No. 140, A.]

[Published May 13, 1903.]

CHAPTER 218.

AN ACT to amend section 419a of the statutes of 1898, as amended by chapter 348 of the laws of 1901, relating to the alteration of joint school districts.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Application for change of boundaries, how made; meeting for; appeals. SECTION 1. Section 419a of the statutes of 1898 is hereby amended so as to read as follows: "Section 419a. Whenever an application in writing, describing and clearly setting forth by use of usual and definite terms, and having for its purpose the alteration of the boundaries of any joint school district, signed by at least two members of the board of

supervisors of any town in which any part of such joint school district is situated, shall be presented to the chairman of the town, mayor of the city or president of the board of trustees of the village, in which the school house of such joint district may be situated, such chairman, mayor of the city, or president of the village board, shall, upon receipt of such application or petition, fix a time for the joint meeting of the town boards of supervisors, and the city council, or the village board of trustees of all the municipalities in any way affected by said proposed change, which time shall not be less than ten or more than twenty days after the presentation to said officer of such petition or application. The officer to whom the application or petition is presented shall cause a written notice of the time and place of such meeting to be given to each supervisor, member of the council, or member of the village board of trustees entitled to be present at such meeting, which notice shall be served at least five days prior to the date fixed therefor. Such meeting shall be held at the school house in such joint district, unless some other convenient place shall be designated in the notice. If the chairman of the town, mayor of the city, or president of the board of village trustees, as the case may be, to whom such application shall be presented, neglect or refuse to fix the time and place or to give notice for the meeting as provided by this section, or if the supervisors, the city council, or the board of village trustees, or a majority thereof, of any town, city or village in any way interested or affected by the proposed change of school district boundaries, neglect or refuse to be present at such meeting or being present, neglect or refuse to hear and vote upon the application before them, the application shall be deemed denied, and an appeal may be had therefrom in similar manner, and with like effect as in other cases of denial. The provisions of sections 418, 419, 422, and 497 shall, as far as may be applicable, apply to the above proceedings.

Change of boundaries in joint school districts; application, how made. SECTION 2. The board of supervisors of any town containing territory, now or hereafter, embraced within the boundaries of any joint school district may make the application provided for in section one, whenever in their judgment such alteration will promote the welfare of the pupils residing in such town; and such board shall make such application whenever one-third of the voters residing in such town or two-thirds of the voters residing in that portion of such joint dis-

trict, situate in such town, shall make and file with the town clerk a petition, praying that such alteration be made.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved May 11, 1903.

No. 94, A.]

[Published May 13, 1903.

CHAPTER 219.

AN ACT appropriating a sum of money for the purchase of steel cases for the preservation of the war flags, and appropriating a contingent fund to the janitor of Memorial Hall.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Appropriation for steel cases. SECTION 1. The sum of thirty-five hundred dollars is hereby appropriated for the purchase of steel cases with plate glass fronts, in which the war flags of Wisconsin troops are to be placed for preservation, said cases to be hermetically sealed, when said flags are placed therein.

Contingent fund. SECTION 2. The sum of three hundred dollars is hereby appropriated to the janitor of the "Memorial Hall, in honor of Wisconsin soldiers and sailors in the civil war," for a contingent fund for the years 1903 and 1904, such fund to be used for bookbinding, repairs, purchase of books and articles for use in said hall, as he may think proper. Such sum to be placed with the governor and paid out as bills are rendered, accompanied by the proper vouchers of the janitor.

SECTION 3. This act to take effect and be in force from and after its passage and publication.

Approved May 11, 1903.

No. 365, S.]

[Published May 13, 1903.

CHAPTER 220.

AN ACT to amend section 1 of chapter 185 of the laws of 1901, entitled, "An act to authorize F. W. Epley, his successors and assigns, to maintain a dam on Apple river in St. Croix county."

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Location of dam. SECTION 1. Section 1 of chapter 185 of the laws of 1901 is hereby amended by striking out the words "northeast quarter of the southwest" where they occur in the fourth line thereof, and inserting in lieu thereof the following: "southwest quarter of the northeast," so that said section when so amended shall read as follows: Section 1. F. W. Epley, his successors and assigns, are hereby authorized to construct, reconstruct and maintain a dam across Apple river upon lands owned by himself on the southwest quarter of the northeast quarter of section thirty-one, township thirty-one north, of range eighteen west, of the fourth principal meridian, in the county of St. Croix; said dam to be constructed for the purpose of improving Apple river and for the manufacture of flour, feed and other milling products and the transmission of electric power; provided that the said dam shall not raise the water to exceed twenty feet.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 9, 1903.

No. 410, A.]

[Published May 13, 1903.]

CHAPTER 221.

AN ACT to provide for the terms of court in the seventeenth judicial circuit of the state of Wisconsin, and amendatory of section 2424 of the statutes of 1898, as amended by chapter 62 of the laws of Wisconsin for the year 1899, as amended by chapter 103 of the laws of Wisconsin for the year 1901.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Date of terms. SECTION 1. Section 2424 of the statutes of 1898, relating to the terms of court in the seventeenth judicial circuit, as amended by chapter 62 of the laws of Wisconsin for the year 1899, as amended by chapter 103 of the laws of Wisconsin for the year 1901, is hereby amended so as to read when amended as follows:

Seventeenth Circuit. In the county of Jackson, on the first Monday in March and on second Monday in October; in the county of Eau Claire, on the third Monday in March and the third Monday in September; in the county of Clark, on the third Monday in April and on fourth Monday in November. There shall also be held in the county of Eau Claire, on the second Monday in June, a special term for said circuit, but no jury shall be drawn for said term.

Conflicting laws repealed. SECTION 2. All acts and parts of acts conflicting or in any manner inconsistent with the provisions of this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved May 9, 1903.

No. 549, A.]

[Published May 13, 1903.

CHAPTER 222.

AN ACT providing for the issuance of certificates, to primary teachers in certain cases, without examination.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Examination of primary grade teachers, how waived. SECTION 1. All teachers of primary grades only (and the words "primary grades" shall be construed to include nothing beyond the first four years' work in schools working under a course of study requiring at least eight years for its completion), who now hold or may hereafter, obtain by examination from the proper examining officer, a certificate of the third or any higher grade, or of a countersigned high school diploma, which, under this act, shall be construed to mean the first grade certificate, may secure a renewal thereof as now provided by law, or may submit to the county or city superintendent, as the case may be, satisfactory evidence of having taught successfully in primary grades of the public schools of this state, as above specified, for at least forty months, in five consecutive years, shall be granted a certificate of the same grade without further examination, upon application to the superintendent of the county or city from which the first certificate was granted, provided, any teacher availing herself of such waiver of examination, shall each year, for a period of at least two consecutive weeks, before each said second or third certificate is issued, attend some school or department thereof specially established for the purpose of giving instruction and training in primary methods of teaching; and it is further provided that certificates may be granted to primary teachers already qualified in one county or city by the examining officer of another county or city, on the transfer of papers as provided in section 450c, laws of 1901.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 9, 1903.

No. 619, A.]

[Published May 13, 1903.]

CHAPTER 223.

AN ACT to authorize the heirs and personal representatives of Richard Scheu, deceased, and their associates and assigns, to build and maintain a dam across Copper river.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Location of dam. SECTION 1. The heirs and personal representatives of Richard Scheu, deceased, late of the town of Corning, in Lincoln county, Wisconsin, are hereby authorized to build and maintain a dam across Copper river on the northeast quarter of the southwest quarter of section four (4), in township thirty-one (31) north, of range five (5) east, for log-driving purposes, provided, that such dam shall not exceed ten feet in height above low water mark.

SECTION 2. There shall be maintained in said dam suitable slides and gates for running logs and timber over the same, but the control of said dam, slides and gates shall belong to said heirs and personal representatives, and their associates and assigns.

Charge for compensation authorized. SECTION 3. As compensation for the assistance and use of said dam in driving logs and timber over the same, said heir and personal representatives, and their associates and assigns, are authorized to charge and collect from the owner of such logs and timber the sum of five cents (5c) per thousand feet, board measure, and they have a lien on such logs and timber for the amount thereof, and are authorized to collect the same in the same manner as liens for labor on logs and timber are collectible.

Powers conferred. SECTION 4. The said heirs and personal representatives, and their associates and assigns, are hereby authorized to exercise, and are hereby granted, all powers given to corporations under sections 1777 to 1777d, inclusive, of the statutes of 1898, for the purpose of acquiring flowage rights, and for the purpose of taking any property that may be necessary to be taken, in maintaining said dam.

Fishway. SECTION 5. The dam so erected shall be provided with a good and sufficient fishway to be approved by the state board of commissioners of fisheries, and said fishway shall at all times be kept in good repair and open for the free and easy passage of fish.

Right to repeal reserved. SECTION 6. The legislature reserves the right to amend or repeal this act.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved May 9, 1903.

No. 358, S.]

[Published May 13, 1903.

CHAPTER 224.

AN ACT amendatory of section 2431 of the statutes of 1898, relating to "judges may prescribe rules of practice."

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Rules of practice may be prescribed; authority of court attendants. SECTION 1. Section 2431 of the statutes of 1898 is hereby amended so as to read when so amended as follows: Section 2431. The judges of the circuit court may prescribe all such rules of practice and rules to regulate their proceedings and facilitate the administration of justice as they may deem necessary, not inconsistent with law or the rules of practice prescribed by the justices of the supreme court. Any officer of the court or court attendant who may be appointed by the judge of any circuit court, shall have the same powers and authority in court, during each session thereof as the sheriff of the county.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 9, 1903.

No. 124, S.]

[Published May 13, 1903.]

CHAPTER 225.

AN ACT to amend section 1319 of the statutes of 1898 relating to county aid in building or repairing bridges.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

County aid in building and repairing; limitation. SECTION 1. Section 1319 of the statutes of 1898 is hereby amended by striking out the words "one-fourth" where the same occur in the seventh line of said section and inserting in lieu thereof the words "one-eighth" and by inserting between the words "town" and "shall" where the same occur in the fourteenth line of said section, the words "and the commissioners hereinafter provided for," and by striking out the words "two mills" where the same occur in the twenty-ninth line of said section and inserting in lieu thereof the words "one mill," so that said section when so amended shall read as follows: Section 1319. Whenever any town board shall file its petition with the proper county board setting forth the fact that said town has voted to construct or repair any bridge wholly or partly within such town, designating as near as may be the location of such bridge, and further stating that such town has provided for the payment of one-half of the cost of such construction or repairs and that the cost of such bridge or repairs or each bridge exceeds one-eighth of one per centum of all the taxable property in said town according to its last equalized valuation, the said county board shall appropriate the other half of such cost and cause such sum to be levied upon the taxable property of the county as will, with the amount provided by said town, be sufficient to defray the expense of erecting or repairing each bridge so petitioned for, and such money, when collected, shall be paid out on the order of the chairman of the county board and county clerk whenever the said town board and the commissioners hereinafter provided for shall notify them that the work has been completed and accepted. The county board shall, at the time of acting upon such petition, designate two of its members who shall act as its commissioners and who shall co-operate with the board of such town; and such board and the said commissioners shall have full charge and authority to act in the

letting, inspecting and acceptance of the work; provided, that nothing herein contained shall be construed to prohibit any county board from constructing or repairing any bridge in its county if it shall so desire; and if the whole of the cost of the construction or repairs of any bridge or bridges is to be borne by any county, or any county shall arrange with such town so as to assume and have exclusive charge of such work, then the county board may direct the letting, inspecting and acceptance of such work in such manner as it may deem proper; provided, that nothing herein contained shall authorize the levy of any tax upon the property in any city or incorporated village that maintains its own bridges, and as to any such city or village this section shall not apply; provided further, that no more than one mill on the dollar of the equalized valuation of the property in any county shall be levied for the aforesaid purpose and for all other county bridges in any one year, and that no order shall be drawn on account of such levy except upon the certificate of the county treasurer that the money produced by said levy has come to his hands to pay such order.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 9, 1903.

No. 92, S.]

[Published May 13, 1903.

CHAPTER 226.

AN ACT amendatory of the paragraph or part of section 2424 of the statutes of 1898, relating to terms of court in the seventh judicial circuit of Wisconsin, as amended by chapter 6 of the laws of Wisconsin for the year 1901, and repealing all acts and parts of acts in any manner conflicting with the provisions of this act.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Date of terms. SECTION 1. All of the paragraph or part of section 2424 of the statutes of 1898, relating to the terms of court in the seventh judicial circuit of Wisconsin, as amended

by chapter 6 of the laws of Wisconsin for the year 1901, is hereby amended so as to read when so amended as follows: Seventh circuit; in the county of Adams on the second Tuesday in June and the third Tuesday in December; in the county of Portage on the fourth Monday in March and the fourth Monday in October; in the county of Waupaca on the first Monday in March and the fourth Monday in November; in the county of Waushara on the last Monday in April and the third Monday in September; in the county of Wood on the second Monday in May and the first Monday in October.

Conflicting laws repealed. SECTION 2. Any and all acts or parts of acts conflicting or inconsistent with the provisions of this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved May 9, 1903.

No. 301, A.]

[Published May 14, 1903.

CHAPTER 227.

AN ACT to appropriate the sum of money hereinafter named to the Wisconsin State Board of Agriculture.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Purpose of appropriation. SECTION 1. There is hereby appropriated out of the general fund of the state, not otherwise appropriated, the sum of twenty thousand dollars, to the Wisconsin State Board of Agriculture, for the purpose of making improvements and repairs upon the fair grounds owned by the state of Wisconsin, in Milwaukee county.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 11, 1903.

No. 105, S.]

[Published May 14, 1903.

CHAPTER 228.

AN ACT amendatory of section 926—11 of the statutes of 1898, relating to the issue of bonds by specially incorporated cities.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Issue of bonds; purposes; procedure. SECTION 1. Section 926—11 of the statutes of 1898 is hereby amended by striking out the twelfth subdivision thereof and renumbering subdivision 13 accordingly, and also by adding at the end of said subdivision 11 of said section 926 the following:

The council may also issue negotiable bonds, constituting a general city liability, for the refunding of other bonds, or for the funding of general city indebtedness or liability in the following cases:

1. For the refunding of valid general city bonds issued under subdivisions 1 to 12 of this section, or issued by a village or other municipality to whose property, rights and liabilities the city has succeeded.
2. For the funding of general city liability existing by reason of the fact that the city has received and has had the use and benefit of moneys raised by the issue or sale of bonds purporting to be a general city liability, but which are technically invalid for the failure to levy a tax as required by section 3 of article 11, of the constitution, or are not in lawful form, or where there was some defect in holding an election, or in some of the proceedings upon which the bonds were based. This subdivision shall apply only to cases in which the moneys were applied to general city purposes, and ought justly to be repaid by the city, where there is an actual existing liability for such repayment, and where such liability did not at the time the money was so received exceed the five per cent. limit of the constitution.
3. For the funding of general city liability arising from the fact that the city has issued special street, sewer, harbor or other improvement bonds which do not constitute a general city liability, but where the city has collected assessments levied for the payment of the bonds and the same have been lost or di-

verted to other purposes, such bonds not to exceed the amount so collected with interest. Provided, however, that such collection and diversion actually constitute a general city liability.

4. For the refunding of street, sewer, harbor or other improvement bonds which for any reason constitute a general city liability not exceeding the constitutional debt limit.

5. For the funding of judgments against the city which cannot in the judgment of the council be paid by current taxation.

Such funding or refunding bonds may run not exceeding twenty years from the time of their issue and may be negotiable coupon bonds payable to bearer at a rate of interest not exceeding that of the debt funded or refunded. Such bonds may be sold at not less than par and accrued interest and the proceeds used to pay the liability for which they were issued, or may be exchanged for the evidences of liability replaced by them. No such bond shall be issued unless authorized by an ordinance adopted by a vote in favor of the same by at least three-fourths of all the members of the common council elect, said vote to be at a regular meeting not less than one week after the proposed ordinance shall have been published in the official paper of the city. All such bonds issued shall be payable at the option of the city in annual installments, the last installment being payable not more than twenty years after their issue. Before or at the time of issuing said bonds the council shall provide for the collection of a direct annual tax, sufficient to pay the interest thereon as it falls due and to pay and discharge the principal thereof within twenty years from the time of the issue of such bonds. Said funding or refunding bonds need not be authorized by vote of the people, and shall be signed by the mayor and clerk, countersigned by the comptroller or other like officer with the corporate seal. Said officers before executing said bonds shall ascertain that they do not exceed the limit prescribed by the constitution of the state of Wisconsin and that all provisions required by the constitution and laws of Wisconsin have been duly complied with, so that said section 926—11 when so amended, shall read as follows: Issue of bonds, purposes. procedure. Section 926—11. The common council of any city incorporated by and operating under a special charter may issue bonds, payable in lawful money of the United States within twenty years from their issue, bearing interest payable annually or semi-annually at a rate not exceeding six per cent. per annum, for the following purposes:

1. For the erection and construction of a city hall and the purchase of a site for the same.

2. For the construction and extension of waterworks or the purchase of the same, for constructing sewers, and the improvement and maintenance of the same; and in cities of the first class for the construction, improvement and maintenance of flushing tunnels with the buildings and machinery for operating the same.

3. For the erection, construction and completion of school buildings and the purchase of school sites.

4. For the purchase of sites for engine houses, for fire engines and other equipments of the fire department and for the construction of engine houses.

5. For the purchase of sites for police stations and for the construction of buildings thereon for the use of the police department.

6. For the construction of viaducts, bridges and for repairs of the same.

7. For the erection and construction of library and museum buildings and the purchase of sites for the same.

8. For the establishment of public baths and hospitals and the purchase of sites for the same.

9. For the purchase of lands for public parks and improvements thereof, and for the payment of purchase money and interest thereon which may be or become due for park lands already acquired or contracted for.

10. For permanently improving streets in such city, and for creating a fund out of which to advance the cost of repairs to sidewalks in anticipation of the collection of special assessments for such cost of repairs by the treasurer of such city.

11. For the construction or purchase of electric or gas light plants for lighting streets and public buildings.

12. For doing such dredging and docking and making such other harbor improvements as any such city can lawfully do or make.

No such bonds shall be issued and no contract entered into or obligation incurred by any such city in contemplation of their issue unless such contract or obligation and the issue of such bonds for the payment of the same shall have been authorized by a vote of at least three-fourths of all the members of the council elect, said vote to be at a regular meeting of such council not less than one week after the proposed ordinance shall have been published in the official city paper, nor unless, at or before the time of issuing the bonds, the council shall provide for a direct annual tax sufficient to pay the interest thereon as it falls due and the principal thereof within twenty years

from the time of their issue. Such bonds shall be executed and disposed of in the manner provided by the charter; if the charter does not cover the subject the council shall direct the manner in which the bonds shall be executed and disposed of. All such bonds shall bear an appropriate name, indicating the purpose of their issue, be consecutively numbered, have interest coupons attached, show on their face the amount of indebtedness of the city issuing them, the amount of the assessment of the taxable property therein for each of the five years next preceding their issue and the average amount thereof, and recite the fact that the city has provided for the collection of a direct annual tax sufficient to pay the interest thereof as it falls due and the principal within twenty years from their issue. Such bonds shall not be sold for less than their par value and accrued interest; provided, that it shall be competent for the common council to provide in said ordinance that the bonds to be issued may be registered instead of coupon bonds, and the registered bonds so to be issued shall be of such denomination as the common council shall, in the ordinance authorizing the issue of such bonds, determine and direct. And the council shall further, by general ordinance prescribe the form of such registered bonds or manner in which the same shall be registered and the interest thereon paid.

The council may also issue negotiable bonds, constituting a general city liability, for the refunding of other bonds or for the funding of general city indebtedness or liability in the following cases:

1. For the refunding of valid general city bonds issued under subdivisions 1 to 12 of this section, or issued by a village or other municipality to whose property, rights and liabilities the city has succeeded.

2. For the funding of general city liability existing by reason of the fact that the city has received and has had the use and benefit of moneys raised by the issue or sale of bonds purporting to be a general city liability, but which are technically invalid for the failure to levy a tax as required by section 3 of article 11, of the constitution, or are not in lawful form, or where there was some defect in holding an election, or in some of the proceedings upon which the bonds were based. This subdivision shall apply only to cases in which the moneys were applied to general city purposes, and ought justly to be repaid by the city, where there is an actual existing liability for such repayment, and where such liability did not at the time the money was so received exceed the five per cent. limit of the constitution.

3. For the funding of general city liability arising from the fact that the city has issued special street, sewer, harbor or other improvement bonds, which do not constitute a general city liability, but where the city has collected assessments levied for the payment of the bonds and the same have been lost or diverted to other purposes, such bonds not to exceed the amount so collected with interest. Provided, however, that such collection and diversion actually constitute a general city liability.

4. For the refunding of street, sewer, harbor or other improvement bonds which for any reason constitute a general city liability not exceeding the constitutional debt limit.

5. For the funding of judgments against the city which cannot in the judgment of the council be paid by current taxation.

Such funding or refunding bonds may run not exceeding twenty years from the time of their issue and may be negotiable coupon bonds payable to bearer at a rate of interest not exceeding that of the debt funded or refunded. Such bonds may be sold at not less than par and accrued interest and the proceeds used to pay the liability for which they were issued, or may be exchanged for the evidences of liability replaced by them. No such bond shall be issued unless authorized by an ordinance adopted by a vote in favor of the same by at least three-fourths of all the members of the common council elect. said vote to be at a regular meeting not less than one week after the proposed ordinance shall have been published in the official paper of the city. All such bonds issued shall be payable at the option of the city in annual installments, the last installment being payable not more than twenty years after their issue. Before or at the time of issuing said bonds the council shall provide for the collection of a direct annual tax sufficient to pay the interest thereon as it falls due and to pay and discharge the principal thereof within twenty years from the time of the issue of such bonds. Said funding or refunding bonds need not be authorized by vote of the people, and shall be signed by the mayor, countersigned by the city clerk, and sealed with the corporate seal. Said officers before executing said bonds shall ascertain that they do not exceed the limit prescribed by the constitution of the state of Wisconsin and that all provisions required by the constitution and laws of Wisconsin have been duly complied with.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 11, 1903.

No. 399, A.]

[Published May 14, 1903.]

CHAPTER 229.

AN ACT providing for the re-incorporation into stock corporations of mutual fire insurance companies.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Surplus assets; consent of members. SECTION 1. Any mutual fire insurance corporation, organized under any law of this state, having surplus assets, aside from premium and stock notes, sufficient for re-insurance of its outstanding risks, after having given notice once in each week for four weeks, of its intention and of the meeting, herein provided for, in three newspapers published in the county where such corporation is located, may, with the consent in writing of two-thirds (2-3) of the members of such corporation representing not less than one-half of its outstanding insurance, become a stock corporation, by proceeding in accordance with the provisions of the statutes of this state regulating the organization of stock fire insurance corporations.

Priority to members; return of share of surplus. SECTION 2. Every member of such corporation on the date or said annual or special meeting shall be entitled to priority in subscribing to the capital stock of such corporation, for one month after the opening of the books of subscription, and in the proportion that the amount of cash premium paid in by such member, bears to the total amount of risks in force on the date of said annual or special meeting; provided, that if any one of the past or present members shall not subscribe for stock, then the said corporation shall upon application, within ninety (90) days return to him his equitable proportion of the surplus of the company, to be computed by an actuary to be employed by the corporation for that purpose.

Assets, how disposed of. SECTION 3. No part of the assets of such mutual fire insurance corporation shall be divided among the members thereof, but shall, after such re-incorporation, become the property of such stock corporation, to be expended by it for the ordinary disbursements of the company,

in carrying on its business, including the payment of losses incurred upon its policies; and all property of such mutual fire insurance corporation shall be transferred to such stock corporation, organized as aforesaid, in the manner provided by law.

Laws governing. SECTION 4. Every corporation so extended or changed shall be governed by the provisions of the law of this state relating to the organization of stock fire insurance corporations, in the same manner as if it had been originally incorporated as such stock corporation, provided that no such corporation shall be entitled to re-organization under this law, or to have its organization renewed or extended, unless it shall actually be doing business in conformity with the laws of this state.

Conflicting laws repealed. SECTION 5. All acts and parts of acts conflicting with the provisions of this act are hereby repealed.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved May 12, 1903.

No. 121, S.]

[Published May 14, 1903.

CHAPTER 230.

AN ACT to provide for the sanitary regulations of bakeries and other establishments for the manufacture of bread and other food products.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Sanitary conditions defined. SECTION 1. All buildings occupied for bakeries and confectionery establishments shall be well drained and all plumbing therein shall be constructed in accordance with well established sanitary principles and of good workmanship, and the rooms thereof used for the manufacture or sale of bread, and other food products shall be light,

dry and airy. The room or rooms used for the manufacture of bread and other food products shall have floors and side walls so constructed as to exclude rats, mice and other vermin and said floor and side walls shall at all times be free from moisture and kept in a good state of repair. Said floor shall have a smooth surface and be impermeable and may be constructed of wood, cement or tile laid in cement. But no floor shall be constructed in a room used for the manufacture of flour or meal products where the floor of said room is more than eight feet below the level of the street, sidewalk or adjacent ground. The walls and ceilings of such rooms used for the manufacture of bread and other flour and meal products shall be whitewashed at least as often as once in six months and the floors, utensils and furniture of such rooms as are used for the manufacture, storing or sale of said food products and the wagons used for the delivery of said food shall at all times be kept in a sanitary clean condition. The furniture and utensils of such rooms shall also be so arranged so that the same can be easily and perfectly cleaned.

Water closets; sleeping places; clothes. SECTION 2. No water closet, earth closet, privy or ash pit shall be within or communicate directly with the bake room or any other room used in the manufacture of bread or other flour or meal products. The sleeping places for workmen employed in bakeries shall be separate and distinct from the places used in the manufacture of bread or other food products. While engaged in the manufacture of bread or other flour or meal products the workmen in bakeries shall provide themselves with caps and slippers or shoes and an external suit of coarse linen, used for that purpose, only, and these garments shall at all times be kept in a clean condition. All bakeries shall be provided with ample toilet facilities apart from the utensils used in the preparation of said foods to enable the workmen employed therein to keep their persons clean. Said bakeries shall also be provided with a separate dressing room to enable the workmen to change their clothes and keep the same in the proper condition.

Location of bake shop. SECTION 3. After the passage of this act no new bakery shall be established in a room the floor of which is more than five feet below the level of the street, sidewalk or adjacent ground, and no bake shop shall be reopened in such a room where the same has not been used for a period of over six months.

In case of infectious disease. SECTION 4. No person shall work or be employed in or about any bakery or other establishment for the manufacture of food products during the time in which a case of infectious disease exists in the house in which resides not thereafter until the local board of health issues a certificate in writing that no danger of public contagion would result from the employment of said person in such establishment.

Duty of owner; authority of lessee. SECTION 5. It shall be the duty of every occupant, whether owner or lessee of every premises used as a bakery or other establishment for the manufacture of food products to carry out the provisions of this act and make all changes and additions necessary therefor. In case such changes or additions are made upon the order of an officer or employe of the bureau of labor or of a board of health by the lessee of the premises he may at any time within thirty days after the completion thereof bring an action before any justice of the peace, municipal or district court, having competent jurisdiction against any person having an interest in such premises and may recover such proportion of the expense of making such changes and additions as the court adjudges should justly and equitably be borne by such defendant.

Bakery inspector; license fee authorized. SECTION 6. It shall be the duty of the state bureau of labor and boards of health, both state and local, to see that the provisions of this act are enforced and the commissioner of labor shall appoint a proper and competent person to act as bakery inspector for two years, who shall perform his duties under the direction of the said commissioner. The state factory inspector or any assistant state factory inspector shall have the same power as the bakery inspector. The said bakery inspector shall receive a salary of \$1,000 per annum together with necessary traveling expenses, to be paid out of the general fund not otherwise appropriated.

In cities of five thousand inhabitants or over the common councils thereof may for the more perfect enforcement of the provisions of this act, provide by ordinance for the issuing of licenses to the owners or managers of bakeries and other establishments for the manufacture or sale of bread and other food products, provided, however, that the license fee to be required shall not exceed one dollar for any single establishment per annum.

Penalty; notices. SECTION 7. Any person who as owner or manager of a bakery or other establishment for the manufacture of food products or as a member of a firm or officer of a corporation owning or operating such establishment, or as an employe in said establishment, violates or fails to comply with any of the foregoing provisions of this act shall be guilty of a misdemeanor and shall be punished by a fine of not less than twenty dollars nor more than fifty dollars or by imprisonment in the county jail for not more than thirty days.

No criminal prosecution shall be made for any violation of the provisions of this act until thirty days after notice, in writing, by an officer or inspector of the bureau of labor or some officer or agent of the board of health, of any change necessary to be made to comply with the provisions of this act, has been served upon the owner, manager or officer operating said establishment, and not then, if in the meantime, such changes have been made in accordance with such notification.

Conflicting laws repealed. SECTION 8. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

SECTION 9. This act shall take effect and be in force from and after its passage and publication.

Approved May 12, 1903.

No. 663, A.]

[Published May 15, 1903.

CHAPTER 231.

AN ACT to authorize John W. Thomas, his heirs, associates and assigns, to build, construct and maintain dams across the Chippewa river in Chippewa county, Wisconsin.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Location of dam. SECTION 1. John W. Thomas, his heirs, associates and assigns, are hereby authorized to build, construct and maintain a dam across the Chippewa river in Chippewa county, Wisconsin, on sections one (1) and twelve (12), in

township twenty-nine (29) north, of range eight (8) west; such dams to be built, constructed and maintained for milling, manufacturing and hydraulic purposes; also to erect and maintain on and in said river near said dams, mills, machinery, booms and piers, and all other structures, appendages and improvements necessary and proper to enable the said John W. Thomas and his heirs, associates and assigns, to use the water of said river, and the water power created by said dams for said purposes.

How constructed. SECTION 2. The height of said dam shall not exceed twenty feet above ordinary low water, but said dam shall not be built, constructed or maintained so high as to overflow, or in any manner, injure, damage or interfere with the full and complete enjoyment by the owner thereof of the water-power dam, by in any wise retarding the free flowage of said race water from any dam built under the provision of any act passed previous to the enactment of this act; said dam shall be so built, constructed or maintained, as not to obstruct or impede the running and driving of logs and timber down said river and over and through said dams, and a suitable log slide, sufficient in width, shall be built, constructed or maintained in said dam at the expense of the owner or owners thereof, together with such piers and guide booms as may be necessary and requisite to pass, free of charge, all logs and timber down said river and over and through said dams without delay, hindrance or waste, whenever there shall be any logs or timber to pass down said river.

Fishway. SECTION 3. The dam so erected shall be provided with a good and sufficient fishway, to be approved by the state board of commissioners of fisheries, and said fishway shall at all times be kept in good repair, and open for the free and easy passage of fish up and down said dam. In case the owner or owners of said dam shall neglect or refuse to construct or keep in repair or keep open such fishway, as required by the provisions of this act, they shall, upon conviction thereof, be fined not less than twenty-five dollars, nor more than one hundred dollars.

Powers conferred. SECTION 4. Said John W. Thomas, his heirs, associates and assigns, for the purpose of acquiring any flowage rights that they or either of them may deem necessary in carrying out the provisions or purposes of this act, may have and exercise all the rights and powers granted to corporations

by sections 1777a to 1777d, inclusive, of the statutes of 1898, which are not inconsistent with the purposes or provisions of this act.

Legislative rights reserved. SECTION 5. The right of the legislature to alter, amend or repeal this act is hereby repealed.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved May 13, 1903.

No. 384, A.]

[Published May 15, 1903.]

CHAPTER 232.

AN ACT relating to the advisability of establishing a state park about Devils Lake, Sauk county, Wisconsin.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Commission authorized. SECTION 1. The governor is hereby authorized to appoint a commission not later than the first day of July, 1903, consisting of three members, who shall serve without pay for services or expenses to investigate the advisability of establishing and maintaining a state park about Devils Lake, Sauk county, Wisconsin.

Duty of; report. SECTION 2. It shall be the duty of the commissioners to investigate and report to the governor on or before March 1, 1904, as to the advisability of purchasing lands about, upon and surrounding Devils Lake, in Sauk county, Wisconsin, for the purpose of establishing a state park thereon.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved May 13, 1903.

No. 347, A.]

[Published May 15, 1903. ^{Fire risks.}**CHAPTER 233.**

AN ACT to amend section 160a, 160b, 160d, and 160e of the statutes of 1898, relating to state depositories and regulating the deposit of public moneys therein.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Board of deposits. SECTION 1. Section 160a of the statutes of 1898 is hereby amended by inserting after the word "bond" and before the word "as" where the same occurs in the fourth line of said section the following: "or depositing the security," so that said section when so amended shall read as follows: Section 160a. Any national or state banking corporation which shall be approved by a board to be known as the "board of deposits," consisting of the commissioners of public lands and the governor, may, upon filing a bond or depositing the security as hereinafter provided, and upon the compliance with all other requirements of law, become a state depository. The members of said board shall receive no additional compensation for the performance of their duties. The record of the proceedings of said board shall be kept by the secretary of state, and a duly certified copy thereof, or any part thereof, shall be admissible in evidence in any action or proceeding in any court of this state.

Bond or security of depository. SECTION 2. Section 160b of the statutes of 1898 is hereby amended by adding after the word "board" and before the word "The" where the same occur in the twelfth line of said section the following: "or shall deposit with the state treasurer good and sufficient municipal, county, state or United States bonds, or in lieu thereof a bond of a surety company authorized to do business in this state, as security and pledge for the payment upon demand to him or his order, free of exchange, at any place in this state designated by him, of all such moneys deposited with it, and of interest thereon at the rate fixed by said board; which bonds shall be of at least fifty per cent. greater value than the moneys to be received by said depository from said state and shall before such depositing be approved by said board," so that said

section when so amended shall read as follows: Section 160b. Every state depository, before it shall be entitled to receive any state moneys, shall file with the state treasurer a good and sufficient bond to the state of Wisconsin, conditioned for the payment upon demand, to him or his order, free of exchange, at any place in this state designated by him, of all such moneys deposited with it, and of interest thereon at the rate fixed by said board, with not less than five sureties, residents and freeholders of this state, who shall together be worth in property within this state not exempt from execution, over and above their debts and liabilities, double the amount of the penalty of said bond, and each of whom shall be worth not less than ten thousand dollars, and who shall justify such responsibility by their several affidavits; which said bond and sureties shall, before such filing, be approved by said board; or shall deposit with the state treasurer good and sufficient municipal, county, state or United States bonds, or in lieu thereof a bond of a surety company authorized to do business in this state, as security and pledge for the payment upon demand to him or his order, free of exchange, at any place in this state designated by him, of all such moneys deposited with it, and of interest thereon at the rate fixed by said board; which bonds shall be of at least fifty per cent. greater value than the moneys to be received by said depository from said state and shall before such depositing be approved by said board. The board of deposits may require the bank examiner to thoroughly investigate and report to it concerning the condition of any bank which makes application to become a state depository, and may also, as often as it deems it necessary, require such investigation and report concerning the condition of any bank which may have been designated as such depository.

Treasurer's liability. SECTION 3. Section 160d of the statutes of 1898 is hereby amended by inserting after the word "it" and before the word "nor" where the same occur in the ninth line of said section the following: "nor three-fourths of the value of the bonds deposited by it," so that said section when so amended shall read as follows: Section 160d. The state treasurer may deposit with any depository which has fully complied with all requirements of law any state moneys in his hands or under his official control, not exceeding the limit herein prescribed; and any sums so on deposit shall be deemed to be in the state treasury, and said treasurer shall not be liable for any loss thereof resulting from the failure or default of any such depository without fault or neglect on his part or

on the part of his assistant or clerks. The amount at any time on deposit with any depository shall not exceed the actual paid-up capital, nor one-half of the penalty of the bond filed by it, nor three-fourths of the value of the bonds deposited by it, nor the amount prescribed by the board of deposits, if any be prescribed.

Additional bond; revocation. SECTION 4. Section 160e is hereby amended by inserting between the word "bond" and the word "of" where the same occurs in the second line of said section, the words "or municipal, county, state, or United States bonds, or in lieu thereof a bond of a surety company;" and by striking out the word "is" where the same occurs in the third line of said section between the words "bond" and "good" and inserting in lieu thereof the words "or bonds are;" and by inserting after the word "bond" and the word "and" where the same occur in the sixth line of said section the words "or bonds;" and by adding after the eighth line of said section the following: "and return to such corporation the bonds pledged, if any, as security immediately after such withdrawal," so that said section when so amended shall read as follows: Section 160e. The board of deposits shall not approve the bond or municipal, county, state or United States bonds, or in lieu thereof a bond of a surety company of any such corporation until fully satisfied that said bond or bonds are good and sufficient and that the corporation is prosperous and financially sound and has, unimpaired, the paid-up capital claimed by it. Said board may at any time require any state depository to furnish a new or additional bond or bonds and revoke their designation and approval thereof, and immediately upon such revocation such corporation shall cease to be a state depository, and the treasurer shall forthwith withdraw all state moneys therefrom and return to such corporation the bonds pledged, if any, as security, immediately after such withdrawal.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved May 13, 1903.

No. 179, S.]

[Published May 15, 1903.

CHAPTER 234.

AN ACT for the creation of banks and for the regulation and supervision of the banking business.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

CHAPTER I.

BANKING DEPARTMENT.

Department established. SECTION 1. There is hereby established in this state a banking department, which shall have charge of the execution of the laws relating to banks and the banking business in this state. Such department shall be designated as the state banking department, and shall be under the management and control of a chief officer who shall be called the commissioner of banking.

Commissioner; deputy; examiners; clerks. SECTION 2. The commissioner of banking shall be appointed by the governor, by and with the advice and consent of the senate and shall hold his office for the term of five years and until his successor shall have been appointed and qualified, unless sooner removed by the governor, for good cause, and by and with the consent of a majority of the members of the senate. The commissioner of banking may appoint a deputy, and revoke such appointment at pleasure; provided, that no person shall be eligible for the office of commissioner of banking, or deputy, without first having had at least three years' actual practical experience in the general banking business, or served for a like period in the banking department of this or some other state.

Such deputy shall possess all powers, and perform the duties attached to the office of the commissioner of banking dur-

ing a vacancy in such office and during the absence or inability of his principal. The commissioner of banking may also employ from time to time, such examiners, not exceeding three, and clerks, not exceeding two, to assist him and his deputy, in the discharge of the several duties imposed upon him by this act as he shall find necessary. The salary of the commissioner of banking shall be three thousand dollars per annum. The salary of the deputy shall be two thousand dollars per annum; the salary of such examiners shall be eighteen hundred dollars per annum, and the salary of such clerks as may be employed shall be at such a rate per annum as the commissioner of banking shall decide, not, however, to exceed fifteen hundred dollars for one and twelve hundred dollars for the other, provided, that whenever it may become necessary for the commissioner of banking to take charge of any bank in accordance with section 24 of this act he may appoint such additional examiners as he may deem necessary for the purposes set forth in section 24. The salaries of the commissioner of banking, deputy, examiners and clerks shall be paid monthly by the state treasurer, upon a voucher countersigned by the secretary of state. Vouchers for the deputy's, the examiners' and clerks' salaries must be first approved by the commissioner of banking. All actual and necessary traveling expenses of said commissioner of banking, deputy, examiners, or clerks, incurred in the discharge of their duties, shall be fully itemized upon proper vouchers and certified to the secretary of state. If allowed, the secretary of state shall issue his warrant and the state treasurer shall pay the amount of such expenses. Within fifteen days from the notice of their appointment, respectively, the commissioner of banking, his deputy, and the examiners, shall take and subscribe the oath of office prescribed by the constitution, and file the same in the office of the secretary of state. The said commissioner of banking and his deputy shall each give to the people of this state a bond in the penal sum of twenty-five thousand dollars, with two or more sureties, or a surety company, to be approved by the governor, conditioned for the faithful discharge of the duties of their respective offices. The examiners shall each, in like manner, give a bond in the sum of ten thousand dollars. There shall be assigned to said commissioner of banking suitable rooms in the state capitol for conducting the business of said department. All necessary stationery, printing, and supplies shall be furnished to the state banking department upon requisition therefor, in like manner, as other state departments are now supplied.

Seal. SECTION 3. The commissioner of banking shall devise a seal for the use of his office, which shall continue to be the seal of said department. A description of the seal, with an impression thereof, shall be filed in the office of the secretary of state.

Powers conferred on commissioner. SECTION 4. It shall be the duty of the commissioner of banking, and he shall have the power by himself, his deputy, or by any examiner he may appoint for that purpose, to examine at least once in each year the cash, bills, collaterals, securities, books of account, condition and affairs of each bank, and mutual savings bank doing business in this state, except national banks. For that purpose he may examine on oath any of the officers, owners, agents, clerks, customers or depositors thereof, touching the affairs and business of such institution. The commissioner of banking shall examine, or cause to be examined, any bank when requested by the board of directors of such bank. The commissioner of banking shall also ascertain whether such bank transacts its business at the place designated in the articles of incorporation, and whether its business is conducted in the manner prescribed by law. Such commissioner of banking may, in the performance of his official duties, issue subpoenas and administer oaths: provided, that in case of any refusal to obey a subpoena issued by him or his deputy such refusal shall be at once reported to the circuit court of the circuit in which the bank is located and said court shall enforce obedience to such subpoena in the manner provided by law for enforcing obedience to the subpoenas of said court.

Annual examination fees. SECTION 5. Every bank doing business under this act shall be required to pay to the commissioner of banking an annual examination fee, which shall be for any bank having a combined capital and surplus of less than twenty-five thousand dollars, ten dollars; of less than forty thousand dollars, fifteen dollars; of less than fifty thousand dollars, twenty dollars; and for any other amount in excess of fifty thousand dollars, twenty-five dollars. Provided, that such fee shall be remitted by all such banks directly to the commissioner of banking, on or before the first day of June, 1904, and each and every year thereafter. If such fee be not paid upon demand therefor when due, the commissioner of banking shall institute action in the name of the state against such delinquent banks for the recovery of the amount thereof. All such fees shall be paid by the commissioner of banking into

the state treasury to the credit of the general fund. Provided that banks examined after the approval and publication of this act, and before the first Monday of July, one thousand nine hundred and three, shall pay such fees as heretofore provided in section 2023m, statutes of 1898.

Not to disclose information. SECTION 6. No commissioner of banking, deputy or examiner shall examine a bank in which he is interested as stockholder, officer, employee or otherwise. No commissioner of banking, deputy or examiner shall examine a bank located in the same village, city or county with any bank in which he is interested as stockholder, officer, employee or otherwise. The commissioner of banking, his deputy, and every clerk in his department, shall be bound by oath to keep secret all of the facts and information obtained in the course of such examinations, except so far as the public duty of such officer requires him to report upon or take special action regarding the affairs of any bank and except when called as a witness in any criminal proceeding or trial in a court of justice. If any commissioner of banking, deputy, examiner or clerk in such department shall disclose the name of any debtor of any bank, or anything relative to the private accounts or transaction of such bank, or shall disclose any fact obtained in the course of his examination of any bank, except as herein provided, he shall be subject, upon conviction thereof, to forfeiture of his office, and to the payment of a fine of not less than one hundred dollars nor more than one thousand dollars, or imprisonment in the state prison not less than six months nor more than two years, or to both such fine and imprisonment.

When capital impaired, duty of commissioner. SECTION 7. Whenever the commissioner of banking shall become satisfied that the capital of any bank is impaired or reduced below the amount required by law or the articles of incorporation, or below the amount certified to the commissioner of banking as paid in, he shall have the power to require such bank under his hand and seal of office to make good such impairment or deficiency. If any bank shall refuse or fail for sixty days after written notice to make good such impairment of its capital, the commissioner of banking may communicate the facts to the attorney general, whose duty it shall then become to institute proceedings for the appointment of a receiver of said bank to wind up its business. In any case, where the capital of a bank shall have become impaired or reduced below the amount re-

quired by law or the articles of incorporation, the board of directors of such bank shall have the power to make a pro rata assessment upon all of the stock of said bank to make good such deficiency, and may provide that the amount of such deficiency shall be due and payable at a time to be fixed by such board of directors, which time shall be not less than ten days after notice of said assessment; and if any stockholder shall fail or neglect to pay the amount of the assessment against his stock for ten days after the same shall have become so due and payable, the directors of such bank may offer said stock for sale, and sell the same at public sale upon ten days' notice to be given by posting copies of such notice of sale in five public places in the town, village or city where such bank is located. Upon such sale the purchaser shall forthwith pay the amount of the assessment against said stock. The amount received from the sale of said stock, less the cost and expenses of such sale, shall be paid to the original owner of such stock.

When bank insolvent. SECTION 8. On becoming satisfied that any bank has unlawfully refused to pay its depositors in accordance with the terms on which such deposits were received, or that any bank has become insolvent, the commissioner of banking may forthwith take possession of the books, records and assets of every description of such bank, and hold the same, and such books, records and assets shall not be subject to any levies or attachments until a court of competent jurisdiction can be applied to for the appointment of a receiver for such bank, who, under the direction of the court, shall take possession of the books, records and assets of every description, collect all debts, dues and claims, and sell or compound all doubtful debts, and sell all real and personal property on such terms as the court shall direct. Such receiver shall pay over all money by him received under the order of the court.

Duty of receiver. SECTION 9. Receivers of all insolvent banks shall make reports to the commissioner of banking in the same manner as is required of other banks at least once each year when called upon to do so by the commissioner of banking. Any receiver of an insolvent bank who shall fail to comply with the provisions of this section, or who shall refuse to submit the affairs of such bank to an examination by the commissioner of banking, his deputy or examiner, or who shall violate any of the provisions of this act relating to the examination of banks, shall be subject to the same penalties provided for officers or employees of banks.

Liability of stockholders, when collected. SECTION 10. If after the expiration of one year from the closing of any incorporated bank it shall appear to the receiver thereof that the assets of such bank are insufficient to pay its liabilities, it shall be the duty of such receiver to immediately institute proper proceedings, in the name of the bank, for the collection of the liability of the stockholders of such bank; all sums so collected to become a part of the assets of such bank, and to be distributed pro rata to the creditors thereof in the same manner as other funds. No action by any creditor against any stockholder of such bank for the recovery of such liability shall be maintained unless it shall appear to the satisfaction of the court that the receiver has failed to commence action as herein provided.

Books and accounts. SECTION 11. Whenever it shall appear to the commissioner of banking that any bank does not keep books and accounts in such manner as to enable him to readily ascertain the true condition of such bank, he shall have power to require the officers of such bank or any of them, to open and keep such books or accounts as he may in his discretion determine and prescribe for the purpose of keeping accurate and convenient records of the transactions and accounts of such bank. Any bank that refuses or neglects to open and keep such books or accounts, as may be prescribed by the commissioner of banking, shall be subject to a penalty of ten dollars for each day it neglects and fails to open and keep such prescribed books and accounts.

Location of bank, how removed. SECTION 12. In the event that any two banks shall be doing business in the same building, upon the same floor, and in such close proximity as to interfere with the proper examination of either bank, the commissioner of banking may require either of said banks to remove its banking office to some other location within such reasonable time as may be fixed by the commissioner of banking.

Attorney general, duty of. SECTION 13. All proceedings by any bank to enjoin the commissioner of banking in the discharge of his duties shall be had in the county where said bank is located, or in the supreme court of this state. All suits and proceedings arising out of the provisions of this act, in which the state, or any of its officers or agents shall be parties, shall be conducted under the direction and supervision of the attorney general.

Copies as evidence. SECTION 14. Copies of all records and papers in the office of the commissioner of banking, certified by him and authenticated by his seal of office, shall be evidence in all cases equally and of like effect as the original.

Annual report. SECTION 15. During the month of December of each year, the commissioner of banking shall make an annual report to the governor of the state, which report shall be published and shall exhibit the condition of the various banks of the state as of the day of the last report made to the commissioner of banking by such banks; and such report shall contain a statement of the condition of every bank from which reports have been received, with an abstract of the whole amount of capital returned by them, the whole amount of their liabilities, the total amount of resources, and specifying the amount of lawful money held by banks at the time of their several returns, and shall give a tabulated statement of the resources and liabilities of each bank, and such other information as in his judgment may be required. Such report shall also contain a statement of the banks whose business has been closed during the year, the amount of their resources and liabilities, and the amount paid to the creditors thereof; also a statement of any banks organized during the year; and shall also give a list of the stockholders, their residence, and the amount of stock held by each, and the names of the directors and officers of each bank. He shall also report the names and compensation of the clerks employed by him, and the whole amount of the expense of the banking department during the year preceding.

CHAPTER II.

STATE BANKS.

Capital stock. SECTION 1. Any number of adult residents of Wisconsin, not less than three, may associate to establish a bank under this chapter upon the terms and conditions and subject to the liabilities prescribed in this act. The aggregate amount of the capital stock of any bank shall not be less than five thousand dollars in towns, villages or cities having less than fifteen hundred inhabitants; and shall not be less than ten thousand dollars in towns, villages or cities having more than fifteen hundred and less than thirty-five hundred inhabitants, and shall not be less than twenty thousand dollars in any vil-

lage or city having more than thirty-five hundred and less than five thousand inhabitants, and shall not be less than thirty thousand dollars in any city having more than five thousand and less than ten thousand inhabitants, and shall not be less than fifty thousand dollars in any city having more than ten thousand inhabitants, according to the last official census. Provided, that this section shall not apply to any incorporated state banks now in existence.

Provided, that in any city, having a population of twenty thousand or more in which there is or may hereafter be one or more suburbs, each such suburb comprising one or more wards of said city, and in which suburb or suburbs there is or may hereafter be located any bank or banks, the aggregate amount of the capital stock of any such bank shall be based upon the population of the ward in which said bank is located. Every bank incorporated under this chapter shall be known as a state bank.

Articles of incorporation, contents of. SECTION 2. The persons so associating shall make, sign and acknowledge written articles of incorporation containing:

First. A declaration that they associate for the purpose of forming a banking corporation under this act.

Second. The name of such bank. Such name shall be in no material respect similar to the name of any other bank in the same county, excepting banks heretofore organized.

Third. The particular village, town or city and county where such bank is to be located.

Fourth. The amount of capital stock, which shall be divided into shares of one hundred dollars each, excepting banks heretofore organized.

Fifth. The period for which such bank is organized, not exceeding fifty years.

Articles of incorporation, where filed. SECTION 3. Such original articles of incorporation, or a true copy thereof, verified as such by the affidavit of two of the signers thereof shall be filed with the commissioner of banking. A like verified copy and certificate of the commissioner of banking, showing the date when such articles were filed and approved by the commissioner of banking, within thirty days of such filing and approval, shall be recorded in the office of the register of deeds of the county in which such banking corporation is located, and no bank shall, until such articles be left for record, have legal existence.

Powers of state banks. SECTION 4. Upon making and filing of the articles of incorporation the bank shall become a body corporate and as such shall have the following powers:

First. To make all contracts necessary and proper to effect its purpose and conduct its business.

Second. To sue and be sued, to appear and defend in all actions and proceedings under its corporate name to the same extent as a natural person.

Third. To have a common seal and alter the same at pleasure.

Fourth. To elect or appoint all necessary officers, agents and servants, define their duties and obligations, fix their compensation, dismiss them, fill vacancies, and require bonds.

Fifth. To make, amend and repeal by-laws and regulations, not inconsistent with law or its articles of organization, for its own government, for the orderly conduct of its affairs and the management of its property, for determining the manner of calling and conducting its meetings, the tenure of office of its several officers; and such others as shall be necessary or convenient for the accomplishment of its purpose.

Sixth. To exercise, by its directors, duly authorized officers, or agents, all such powers as shall be usual in carrying on the business of banking; by buying, discounting and negotiating promissory notes, bonds, drafts, bills of exchange, foreign and domestic and other evidences of debt; by receiving commercial and savings deposits under such regulations as it may establish; by buying and selling coin and bullion, and by buying and selling exchange, foreign and domestic; issuing letters of credit, and by loaning money on personal or real security, as provided hereinafter.

Business, not to be transacted. SECTION 5. No bank shall transact any business, except such as is incidental or necessarily preliminary to its organization, until it has been regularly authorized by the commissioner of banking to commence the business of banking.

Subscriptions to stock, how taken. SECTION 6. The subscriptions to the capital stock and the direction of the affairs of the corporation prior to the election of directors, shall be in conformity with the statutes of the state relating to corporations regulating such matters, so far as applicable.

Certificate of authority, when granted. SECTION 7. Whenever articles of incorporation are filed with the commissioner

of banking, as herein provided, and the bank transmitting the same notifies the commissioner of banking that its capital has been duly paid in, in cash, and that such bank has complied with all the provisions of this act required before the bank shall be authorized to commence business, the commissioner of banking shall examine into the condition of such bank, ascertain whether or not the capital has been fully paid in, the name and place of residence of each of its directors, and whether such bank has complied with all of the provisions of law required to entitle it to engage in the business of banking. If upon such examination it appears that such bank is lawfully entitled to commence business, the commissioner of banking shall forthwith give to such bank a certificate, under his hand and official seal, that such bank is authorized to commence business. If the said commissioner of banking has reason to believe that the stockholders have formed the same for any other than the legitimate business contemplated by this act, he may, with the advice and consent of the attorney general, withhold the certificate herein mentioned.

Publication of certificate. SECTION 8. The bank shall cause the certificate issued hereunder to be published in some newspaper printed in the village, city or county where such bank is located, within ten days after the receipt of such certificate. If no newspaper is published in such county, then such publication shall be made at the nearest county seat. Proof of publication shall be filed with the commissioner of banking.

Board of directors. SECTION 9. The affairs of the bank shall be managed by a board of not less than three directors, a majority of whom shall be residents of Wisconsin and shall be elected by the stockholders and hold office for one year and until their successors have been elected and have qualified. A majority of the board of directors shall constitute a quorum for the transaction of business; provided, that when the number of directors shall exceed nine, they may, once in six months, designate by resolution nine members, any five of whom shall constitute a quorum. In the first instance, the directors shall be elected at a meeting held before the bank is authorized to commence business by the commissioner of banking, and afterwards at the annual meeting of the stockholders to be held during the month of July or January; and if for any reason an election is not had at that meeting, it may be held at a subsequent meeting called for that purpose, of which due notice shall be given as provided in the by-laws of such bank. Every di-

rector shall take and subscribe an oath that he will diligently and honestly perform his duty in such office, and will not knowingly violate or permit a violation of any provision of this act; that he is the owner in good faith of stock in the bank, standing in his name on the books of the bank. Such oath shall be transmitted to the commissioner of banking and filed in his office. Any vacancy in the board of directors shall be filled by the board, and the directors so appointed shall hold office until the next election. The officers of the bank shall be elected by the board of directors and hold their offices for one year and until their successors are elected and qualified, unless sooner removed by the board of directors.

Duty of examining committee. SECTION 10. The board of directors of each bank shall annually appoint from its members or stockholders an examining committee, whose duties it shall be to examine the condition of the bank at least once every six months, or oftener, if required. The examining committee shall report to the board, giving in detail all items included in the assets of the bank which they have reason to believe are not of the value at which they appear on the books and records of the bank, and giving the value of each of such items as in their judgment they may have determined. The board shall cause said report to be recorded in the minute books of the bank, and a duly authenticated copy thereof transmitted to the commissioner of banking.

Stock book. SECTION 11. Every bank shall keep a stock book, which shall at all times during the usual hours for transacting business, be subject to the inspection of the officers, directors and stockholders of the bank. Such stock book shall show the name, residence and number of shares held by each stockholder. A refusal by the officers of such bank to exhibit such book to any person rightfully demanding inspection thereof, shall subject such officer to a forfeiture of fifty dollars. In all actions, suits and proceedings such book shall be presumptive evidence of the facts therein stated.

Stockholders' right to vote. SECTION 12. At all stockholders' meetings each share of stock shall entitle the owner of record to one vote. A stockholder may vote at any meeting of the stockholders by proxy.

Articles may be amended. SECTION 13. A bank may amend its articles of association in any manner not inconsistent with

the provisions of law, at any time, by a vote of its stockholders representing two-thirds of the capital stock, such vote to be taken at a meeting called for that purpose. Such amendment, certified by the president and cashier, shall be filed as required for articles of incorporation. Unless the required surplus will permit, no increase of capital shall be valid until the amount thereof has been subscribed and actually paid in. No reduction of capital shall be made to a less amount than is required under the provisions of this act for capital, nor be valid or warrant the cancellation of stock certificates or diminish the personal liability of stockholders, until such reduction has been approved by the commissioner of banking. Such approval must be based upon a finding by him that the security of the existing creditors will not be impaired by the proposed reduction.

Real estate, for what purposes held. SECTION 14. A bank may purchase, hold and convey real estate for the following purposes only:

First. Such as shall be necessary for the convenient transaction of its business, including with its banking offices other apartments to rent as source of income. No bank shall invest in a banking office, including apartments connected therewith, a sum exceeding twenty-five per cent. of its capital and surplus; provided, that this limitation shall not apply to the present holdings of banks now doing business.

Second. Such as shall be conveyed to it in satisfaction of debts previously contracted in the course of its business.

Third. Such as it shall purchase at sale on judgments, decrees, or mortgage foreclosures under securities held by it, but a bank shall not bid at such sale a larger amount than is necessary to satisfy its debts and costs.

Fourth. No real estate required in the cases contemplated in the second and third subdivisions preceding, shall be held for a longer time than five years, except an extension is granted by the commissioner of banking. If such extension be not obtained, it must be sold at a private or public sale within one year thereafter. Nothing in this section shall be construed to prevent a bank from holding moneys upon real estate security as provided by law. Real estate shall be conveyed under the authority of the president or cashier or the president or vice president or the president or assistant cashier.

Reports, proofs of publication. SECTION 15. Every bank shall make to the commissioner of banking not less than five

reports during each calendar year, at such times as the said commissioner shall require the same, according to the forms which he shall prescribe and furnish. Such forms shall conform as nearly as practicable to that now required of national banks, including the schedules. Such reports shall be signed and verified by the oath or affirmation of one of the officers of such bank, and attested by at least two of the directors, provided, that if by reason of absence or other inability it shall be impracticable to obtain the signature of two directors such report shall specify such reason, and the attestation thereof by a director so absent or under disability shall thereupon be dispensed with. Such report shall exhibit in detail and under proper heads, the resources and liabilities of the bank at the close of the business of any past day by the commissioner of banking specified, and shall be transmitted to said commissioner of banking within five days after the receipt of request therefor from him. Such reports shall be published in a newspaper in the village or city or county where such bank is located, in such condensed form as may be prescribed by the commissioner of banking. Proof of publication shall be furnished to said commissioner of banking, within fifteen days after the receipt of the aforesaid call. At least once each year every bank shall report to the commissioner of banking on call by him, a list of its stockholders, their residences, and the amount of stock held by each, which report shall be signed and verified by the oath or affirmation of one of the officers of said bank. The commissioner of banking shall also have the power to call for special reports from any bank whenever in his judgment the same is necessary to inform him fully of the condition of such bank.

\$10 per day forfeiture. SECTION 16. Every bank failing to make and transmit to the commissioner of banking any of the reports or proofs of publication, as required by this act, shall be subject at the discretion of the commissioner of banking to a forfeiture of ten dollars for each day after the time required for making such reports. Whenever any bank fails or refuses to pay the forfeiture herein imposed for a failure to make and transmit such report, the commissioner of banking is hereby authorized to institute proceedings for the recovery of such forfeiture.

Making false statements made a felony. SECTION 17. Any banker, officer, director or employe of any bank who shall wilfully and knowingly subscribe to or make, or cause to be made,

the provisions of law, at any time, by a vote of its stockholders representing two-thirds of the capital stock, such vote to be taken at a meeting called for that purpose. Such amendment, certified by the president and cashier, shall be filed as required for articles of incorporation. Unless the required surplus will permit, no increase of capital shall be valid until the amount thereof has been subscribed and actually paid in. No reduction of capital shall be made to a less amount than is required under the provisions of this act for capital, nor be valid or warrant the cancellation of stock certificates or diminish the personal liability of stockholders, until such reduction has been approved by the commissioner of banking. Such approval must be based upon a finding by him that the security of the existing creditors will not be impaired by the proposed reduction.

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Third. Such as it shall purchase at sale on judgments, decrees, or mortgage foreclosures under securities held by it, but a bank shall not bid at such sale a larger amount than is necessary to satisfy its debts and costs.

Fourth. No real estate required in the cases contemplated in the second and third subdivisions preceding, shall be held for a longer time than five years, except an extension is granted by the commissioner of banking. If such extension be not granted, it must be sold at a private or public sale within one year thereafter. Nothing in this section shall be construed to prevent a bank from loaning moneys upon real estate security as provided by law. Real estate shall be conveyed under the corporate seal of the bank, and the hand of the president or vice president and cashier or assistant cashier.

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Making false statements made a felony. SECTION 17. Any banker, officer, director or employe of any bank who shall willfully and knowingly subscribe to or make, or cause to be made,

any false statement or false entry in the books of any bank, or mutual savings bank, or shall knowingly subscribe to or exhibit false papers, with the intent to deceive any person or persons authorized to examine into the affairs of said bank, or mutual savings bank, or shall knowingly make, state, or publish any false report or statement of any such bank, or mutual savings bank, shall be deemed guilty of a felony, and upon conviction thereof shall be punished by a fine of not less than one thousand dollars and not more than five thousand dollars, or by imprisonment in the state penitentiary not less than one (1) year nor more than ten (10) years, or by both such fine and imprisonment in the discretion of the court.

Refusal to permit inspection; effect of. SECTION 18. Whenever any officer in charge of a bank shall refuse to submit the books, papers and concerns of such bank to the inspection of the commissioner of banking, his deputy, or examiner appointed hereunder, or refuse to be examined on oath touching the concerns of the bank, the commissioner of banking may inform the attorney general whose duty it shall be to institute proceedings for the appointment of a receiver of such bank to wind up its business.

Perjury, how committed. SECTION 19. Every officer or employe of any bank required by law to take any oath or affirmation, or who shall wilfully swear or affirm falsely upon any material matter, shall be deemed guilty of perjury, and upon conviction thereof shall be punished as provided by the laws of this state for the punishment of perjury.

When organized as national bank. SECTION 20. Any bank organized under this act may reorganize under the laws of the United States as a national bank. As soon as such bank shall have obtained the certificate from the comptroller of the currency, authorizing it to commence business under the United States banking law, such reorganized bank shall take and hold all of the assets, real and personal, of such bank organized under this act, subject to all liabilities existing against said bank organized under this act at the time of such reorganization, and shall immediately notify the commissioner of banking of such reorganization and transfer.

National banks may reorganize as state banks. SECTION 21. Any national bank authorized to dissolve, and which shall have taken the necessary steps to effect dissolution, may reorganize

under this act, upon the consent in writing of the owners of two-thirds of the capital stock of such bank, and with the approval of the commissioner of banking. Such stockholders shall make, execute and acknowledge articles of organization as required by this act, and shall set forth the said written consent of such stockholders. Upon the filing of said articles as provided by this act, and upon the approval of the commissioner of banking, such bank shall be deemed to be reorganized under this act, and thereupon all assets, real and personal, of such dissolved national bank shall be vested in and become the property of such reorganized bank, subject to all liabilities of such national bank not liquidated before such reorganization.

Consolidation of banks. SECTION 22. A bank, which is in good faith winding up its business, for the purpose of consolidating with some other bank, may transfer its resources and liabilities to the bank with which it is in process of consolidation; but no consolidation shall be made without the consent of the commissioner of banking, and not then to defeat or defraud any of the creditors in the collection of their debts against such banks, or either of them.

Liquidation, when authorized. SECTION 23. Any bank organized or doing business under the provisions of this act may go into liquidation by a vote of its stockholders owning two-thirds of the capital stock. Whenever a vote is taken to go into liquidation, it shall be the duty of the board of directors to cause notice of this fact to be certified under the seal of the bank by its president and cashier to the commissioner of banking, and publication thereof, notifying the creditors to present their claims against the bank for payment, shall be made once in each week for eight successive weeks in a newspaper published in the village, city or county in which the bank is located, and if no newspaper is there published, then in the newspaper published at the nearest county seat.

Bank may be placed in hands of commissioner. SECTION 24. Any bank doing business under this act may place its affairs and assets under the control of the commissioner of banking, by posting a notice on its front door, as follows: "This bank is in the hands of the commissioner of banking." Immediately upon posting such notice, such bank shall notify the commissioner of banking of such action. The posting of such notice, or the taking possession of any bank by the commissioner of banking, shall be sufficient to place all its assets and property

of whatever nature in the possession of the commissioner of banking, and shall operate as a bar to any attachment proceedings. For each and every day the commissioner of banking shall be so placed in possession of the bank, such bank shall pay to the said commissioner of banking a fee of ten dollars; all such fees shall be paid by the said commissioner to the state treasurer, to be placed to the credit of the general fund.

Cash reserve. SECTION 25. Every bank shall keep on hand at all times at least fifteen per cent. of its total deposits, of which such portion as the board of directors may determine, may be on deposit in banks approved by the commissioner of banking as reserve banks; except in the case of banks which shall be approved by the commissioner of banking as reserve banks, which banks shall at all times keep on hand at least twenty-five per cent. of their total deposits in lawful money or on deposit in banks subject to the approval of the commissioner of banking, as reserve banks. Cash items shall not be considered as a part of the reserve of any bank.

Reserve to be kept up. SECTION 26. Whenever the reserve of any bank shall fall below the amount required herein to be kept, such bank shall not increase its loans or discounts otherwise than by discounting or purchasing bills of exchange payable at sight or on demand, and the commissioner of banking shall notify any bank whose reserve may be below the amount herein required, to make good such reserve, and in case the bank fails, for thirty days thereafter to make good such reserve, the commissioner of banking may notify the attorney general and he shall institute proceedings for the appointment of a receiver and to wind up the business of the bank.

Limit of loans. SECTION 27. The total liabilities of any person, co-partnership or corporation, to any bank, for money borrowed, including liabilities of the co-partnership, the liabilities of the several members thereof, except special partners, shall at no time exceed thirty per cent. of the amount of capital and surplus of such bank; but the discounting of bills of exchange drawn in good faith against actually existing values, and the discounting of commercial or business paper actually owned by the person negotiating the same, shall not be considered as money borrowed; provided, that by a two-thirds vote of the directors, the liabilities of any person, co-partnership or corporation may be increased to a total sum not exceeding the amount of the capital and surplus of such bank upon approved security.

Capital stock not to be held by bank. SECTION 28. No bank shall be the holder of or purchaser of any portion of its capital stock, unless such purchase shall be necessary to prevent loss upon a debt previously contracted in good faith. Stocks so purchased shall in no case be held by the bank for a longer time than six months if the stock can be sold for the amount of the claim of the bank against the same, and it must be sold for the best price obtainable within one year, or it shall be canceled, and shall then amount to a reduction of the capital stock; provided, that, if such reduction shall reduce the capital stock below the minimum required by law, such capital stock shall be again increased to the amount required by law as provided herein.

Loans to bank officials. SECTION 29. It shall not be lawful for any bank to loan to any of its officers, directors, clerks or employes any of the funds of the bank without a responsible endorser or sufficient collateral security, unless the same shall have been authorized, both as to amount and security, by a resolution of the board of directors, to be recorded.

Loans upon mortgages limited. SECTION 30. No bank shall lend an amount exceeding fifty per centum of the aggregate of its capital, surplus and deposits upon mortgages or any other form of real estate security, except when authorized as to amount, security and location in this and the adjoining states by resolution of two-thirds of its board of directors, properly entered upon its minutes.

Assets not to be pledged as security. SECTION 31. No bank, banker, or bank officer shall give preference to any depositor or creditor by pledging the assets of the bank as collateral security; provided, that any bank may borrow money for temporary purposes, and may pledge assets of the bank not exceeding fifty per cent. in excess of the amount borrowed as collateral security therefor; provided further, that whenever it shall appear that a bank is borrowing habitually for the purpose of reloading, the commissioner of banking may require such bank to pay off such borrowed money. Nothing herein contained shall prevent any bank from rediscounting in good faith and indorsing any of its negotiable notes. It shall be unlawful for any bank to issue its certificate of deposit for the purpose of borrowing money. Neither shall any bank make partial payments upon certificates of deposit. In no case shall an overdraft of more than ninety days' standing be allowed as an asset of the bank.

Checks certified, when. SECTION 32. It shall be unlawful for any officer, clerk or agent of any bank doing business under this act to certify any check, draft or order drawn upon the bank unless the person, firm or corporation drawing such check, draft or order has on deposit with the bank at the time such check, draft or order is certified an amount of money equal to the amount specified in such check. Any check, draft or order so certified by the duly authorized officer shall be a good and valid obligation against such bank.

Interest rate. SECTION 33. No bank shall demand or receive for loans or discounts a rate of interest exceeding that allowed by law, excepting that it shall be lawful for any bank to receive interest in advance according to the ordinary usage of banking institutions.

Bad debts, what are. SECTION 34. All debts due to any bank, on which interest is past due and unpaid for a period of twelve months, unless the same are well secured or in process of collection, shall be considered bad debts and shall be charged off to the profit and loss account at the expiration of one year.

Surplus fund. SECTION 35. The board of directors of a bank may declare a dividend from so much of its net profits, after providing for all expenses, losses, interest and taxes accrued or due from said bank, as they shall deem expedient; but before any such dividend is declared not less than one-tenth of the net profits of the bank for the preceding half year, or for such period as is covered by the dividend, shall be carried to a surplus fund, until such surplus fund shall amount to twenty per cent. of the capital stock. Any losses sustained by any bank in excess of its undivided profits may be charged to its surplus account, provided, that its surplus fund shall thereafter be reimbursed from its earnings, and no dividends shall be declared or paid by any such bank in excess of one-half of its net earnings until its surplus fund shall be fully restored to the amount required by law.

Dividends not to be declared, when. SECTION 36. No dividend shall be paid to any stockholder of a bank until the capital stock has been fully paid in and no dividend shall thereafter be declared or paid by the directors of any bank except out of the net profits properly applicable thereto, and which shall not in any way impair or diminish the capital; and if any such shall be paid, every stockholder receiving the same shall be liable to

restore the full amount thereof unless the capital be subsequently made good; and if the directors of any bank shall pay any dividend before the capital stock is fully paid in, or shall pay such dividend when the corporation is insolvent or in danger of insolvency, or not having reason to believe that there were sufficient net profits properly applicable thereto, to pay the same without impairing or diminishing the capital, they shall be jointly and severally liable to the creditors of the corporation at the time of declaring such dividends to double the amount thereof.

Embezzlement, how punished. SECTION 37. Every president, director, cashier, officer, teller, clerk or agent of any bank or mutual savings bank who embezzles, abstracts or wilfully misapplies any of the moneys, funds, credits, or property of the bank or mutual savings bank, whether owned by it or held in trust, or who, without authority of the directors, issues or puts forth any certificate of deposit, draws any order or bill of exchange, makes any acceptance, assigns any note, bond, draft, bill of exchange, mortgage, judgment or decree; or who makes any false entry in any book, report or statement of the bank with intent in either case to injure or defraud the bank or mutual savings bank or any person or corporation, or to deceive any officer of the bank or mutual savings bank, or any other person, or any agent appointed to examine the affairs of such bank or mutual savings bank; or any person who, with like intent, aids, or abets any officer, clerk or agent in the violation of this section, upon conviction thereof shall be imprisoned in the state prison not to exceed twenty years.

Charter, how forfeited. SECTION 38. If the board of directors or a quorum thereof or any committee of such board of any bank shall knowingly violate or knowingly permit any of the officers, agents or employes of the bank to violate any of the provisions of this act, such directors shall jointly and severally be liable for the amount of the loss sustained by the bank; and if after a warning from the commissioner of banking they shall fail to make good any loss or damage resulting from such acts, or continue such conduct, it shall constitute a ground for the forfeiture of the charter of such bank, and it shall thereupon be the duty of the commissioner of banking to institute proceedings to enforce such forfeiture and to secure a dissolution and a winding up of the affairs of such bank.

Liability of stockholders. SECTION 39. The stockholders of every bank shall be individually liable, equally and ratably, not one for another, for the benefit of creditors of said bank to the amount of their stock at the par value thereof, in addition to the amount invested in said stock. Such liability shall continue for six months after any transfer of stock, as to the affairs of the bank at the time and prior to the date of the transfer. But persons holding stock as executors, administrators, guardians or trustees, and persons holding stock as collateral security, shall not be personally liable as stockholders, but the assets or funds in their hands constituting the trust shall be liable to the same extent as the testator, intestate, ward or person interested in such trust fund would be if living, or competent to act, and the person pledging such stock shall be deemed the stockholder and liable under this section.

Shares of stock, when not transferable. SECTION 40. The shares of stock of an incorporated bank shall be deemed personal property, and shall be transferred on the books of the bank in such manner as the by-laws thereof may direct, and no transfer of stock shall be valid while the bank is under notice to make good the impairment of its capital, as provided in section 7, chapter 1, of this act, nor until such impairment shall have been made good. All transfers of stock shall be certified to the commissioner of banking immediately.

Deposits by minors and unmarried females; trust deposits. SECTION 41. Whenever any deposit shall be made in any bank by and in the name of any minor, or female being or thereafter becoming a married woman, the same shall be held for the exclusive right and benefit of such minor, or female, and free from the control or lien of all persons whatsoever, except creditors, and shall be paid with any interest due thereon, to the person in whose name the deposit shall have been made, and the receipt of such minor or female shall be a sufficient release or discharge for such deposit to the bank. Whenever any deposit shall be made by any person in trust for another, and no other or further notice of the existence and terms of a legal and valid trust shall have been given in writing to such bank, in the event of the death of the trustee, the same or any part thereof, and any interest due thereon, may be paid to the person for whom the said deposit was made.

Legal process, how served. SECTION 42. Legal process against any bank may be served upon such bank in the manner

now provided by law for such service on other private corporations organized under the laws of this state.

Circulating notes, when issuable. SECTION 43. In the event that the congress of the United States shall hereafter remove the tax on bank circulation or provide for the establishment of circulation of banks organized under state laws, any bank organized or doing business under this act shall have the power to issue circulating notes or currency in accordance with any such act of congress, or under such regulations as the banking department of this state shall prescribe. The provisions of this section shall not be construed to permit any mutual savings bank or any loan and trust company or any other than a banking corporation to issue circulating notes.

Banks coming under the provisions of this act. SECTION 44. The provisions of this act shall apply to, and govern, all banks organized and now existing within this state, and the powers, privileges, duties and restrictions conferred and imposed upon any bank existing and doing business under the laws of this state, are hereby abridged, enlarged, or modified as each particular case may require, to conform to the provisions of this act. Nothing in this act shall be construed to affect the legality of investments heretofore made, or to transactions heretofore had, pursuant to any provisions of law in force when such investments were made or transactions had. Every bank now existing and doing business within this state shall on or before the first day of February next following the time when this act becomes operative, alter or amend its articles of organization, if necessary, to comply with the provisions of this act, and shall by said time make its business conform in all respects to the requirements of this act, except where such requirement is expressly waived herein.

Bank, unlawful use of term. SECTION 45. No person, co-partnership or corporation engaged in the banking business in this state, not subject to supervision and examination by the commissioner of banking, and not required to make reports to him by the provisions of this act, shall make use of any office sign at the place where such business is transacted, having thereon any artificial or corporate name or other words indicating that such place or office is the place or office of a bank, nor shall such person or persons make use of or circulate any letter-heads, bill-heads, blank notes, blank receipts, certificates, circulars, or any written or printed or partly written and partly printed paper

whatever, having thereon any artificial or corporate name, or other word or words, indicating that such business is the business of a bank. It shall be unlawful for any person, co-partnership or corporation to use the word "bank," "savings bank," "banking" or "banker" or the plural of any such words, in any other business or in connection with any other business than that of the business of banking as defined and authorized under the provisions of this act. Any person or persons violating the provisions of this section, either individually or as an interested party in any co-partnership or corporation shall be guilty of a misdemeanor, and on conviction thereof shall be fined in a sum not less than three hundred dollars nor more than one thousand dollars, or by imprisonment in the county jail not less than sixty days nor more than one year, or by both such fine and imprisonment.

Declaration of unlimited individual responsibility. SECTION 46. The stockholders of any bank organized under the provisions of this act may file with the commissioner of banking a declaration in writing, signed by each and all of them and by them acknowledged, consenting and agreeing to hold themselves individually responsible for all the debts, demands and liabilities of said bank. Upon application therefor the commissioner of bank shall make and certify a copy of said declaration which shall be received in evidence and have the same effect as the original declaration would have if produced in evidence and duly proved.

Liability under the stockholders' declaration. SECTION 47. On and from the filing of such declaration the persons who have executed the same shall be individually liable for all the debts, demands and liabilities of said bank, as well as those then existing and unpaid as those thereafter to be made, created or incurred. And in any action brought against any such bank for any debt, demand or liability thereof it shall be competent for the party plaintiff to join as defendant therewith any one, or more, or all of the stockholders, whose names are attached to such declaration, and in such action to recover and have judgment and execution against the defendants or either or any of them; provided, that nothing herein shall be construed to prevent any action from being maintained for any debt, demand or liability of such bank against said bank alone, or against the said stockholders, or either or any of them. In case of the bona fide sale and transfer of any stock or interest of any stockholder, in any such bank, as provided in section 40,

chapter 2 of this act, a written memorandum of such transfer, signed and acknowledged in manner aforesaid by the vendor of said stock or interest, may be filed with the commissioner of banking, and thereupon the individual liability of such vendor for the debts, demands and liabilities of said bank, which may be created or incurred after the expiration of six months from and after the filing of said memorandum shall cease; and in such case the purchaser of said stock shall not become or be responsible or liable in any manner for the debts, demands and liabilities of such bank unless he shall execute and file the declaration mentioned in the next preceding section.

Commissioner may disregard such declaration. SECTION 48. The commissioner of banking, his deputy or any examiner by him appointed shall not be required to take into consideration such certificate of unlimited individual responsibility in determining the impairment of capital of any bank, or in determining the solvency of any such bank.

Fees for certified copies. SECTION 49. Whenever any certified copy or copies of any records or papers filed in the office of the commissioner of banking shall be lawfully required to be furnished by him, the commissioner of banking shall be entitled to a fee of ten cents for each folio for making such copy or copies and fifty cents for each certificate. All such fees shall be paid by the commissioner of banking into the state treasury to the credit of the general fund.

How to convert unincorporated banks. SECTION 50. Any person, co-partnership or corporation doing a banking business in this state may incorporate as a state bank, as provided herein for the organization of banks, provided, that the commissioner of banking may accept good assets of such person or persons worth not less than par in lieu of cash in payment for the capital stock of such state bank. Every such person, co-partnership or corporation shall conform to the provisions of section 45 of chapter 2 of this act on or before September 1st, A. D. 1903, at which time the provisions of said section 45 of chapter 2 shall be enforced by the commissioner of banking.

CHAPTER III.

MUTUAL SAVINGS BANK.

Who may organize. SECTION 1. Any number of persons, not less than twenty, nor more than fifty, may associate for the purpose of organizing a mutual savings bank to receive on deposit the savings of laborers, mechanics, farmers, servants, minors and others; and to loan the same for the benefit of such depositors; three-fourths of such number of persons or corporators shall reside in the county where the proposed bank is to be located.

Election of membership in. SECTION 2. Every such bank may, at any annual meeting by a majority of at least two-thirds of those present, elect by ballot any citizen of the county wherein the bank is located, or of any adjoining county, to be a member thereof. Any member failing to attend the annual meeting for two successive years, such non-attendance may be deemed equivalent to a resignation and his place may be filled in the usual manner. The corporators may fill vacancies and add to their number from time to time as they may desire.

Certificate of organization. SECTION 3. They shall make, sign and acknowledge a certificate in writing in which shall be stated the name of such mutual savings bank, the names of the corporators, with the residence of each, the name of the city, village, town and county in which the operation of such bank is to be conducted. Such certificate shall be recorded in the office of the register of deeds of the county in which the business of the bank is to be carried on, and shall be then deposited in the office of the commissioner of banking.

By-laws and regulations. SECTION 4. Such corporation shall have the power to enact by-laws, not inconsistent with the laws of this state or of the United States, for the government of its affairs, and such by-laws may prescribe the conditions on which deposits shall be made, and the terms on which payments of such deposits shall be made to the depositors by such institution, and the depositors shall be bound by the regulations enacted in such by-laws, which regulations shall be printed and conspicuously posted in the office of such corporation, so as to be visible and accessible to all persons visiting the business office of the corporation.

Board of trustees or directors; quorum. SECTION 5. The incorporators shall, at their first annual meeting, elect by ballot from their own number, a board of trustees or directors which shall consist of not less than nine, who shall be divided into three classes as follows: One-third shall be elected for one year, one-third for two years, and one-third for three years. After the election of the first board of trustees or directors, all subsequent trustees or directors shall be elected at the annual meeting for the full term of three years unless elected to fill a vacancy, when they shall be elected to serve the unexpired portion of the term they fill. Forty per centum of the incorporators shall constitute a quorum for the lawful transaction of business at any annual or special meeting of the incorporators.

Officers, how elected. SECTION 6. The trustees or directors, within ten days after their election shall elect from the members of their own board, a president, one or more vice-presidents, a treasurer and a secretary; the same person may act as secretary and treasurer; they shall also elect from their own members a committee on finance; all said officers to hold their offices until others are elected and qualified to fill their places.

Qualifications. SECTION 7. No more than one officer of any mutual savings bank shall at the same time be an officer of any bank or trust company; and no stockholder of a bank shall be treasurer of any mutual savings bank.

Treasurer's bond. SECTION 8. The treasurer shall give a bond for the faithful discharge of his duties, with surety to the acceptance of the directors or trustees, in not less than ten thousand dollars, payable to said mutual savings bank, and shall give a new bond with surety to the acceptance of the directors or trustees, as often as once in every period of three years from the date of giving the last bond. The said bond shall forthwith be recorded at length in the books of said mutual savings bank, which record shall at all times be subject to the inspection of the commissioner of banking of the state. It shall be the duty of the president of said mutual savings bank to safely keep the original bond so given. Whenever, in the judgment of the board of directors or trustees, or the commissioner of banking, it is necessary for the security of the depositors, the treasurer shall give a new bond in such amount as said board or the commissioner of banking shall require, and with such sureties as may be approved. No president, director or trustee shall be surety on the bond of such treasurer.

Compensation of officers. SECTION 9. No corporator, trustee, director, nor any other officer, except the treasurer, shall receive any compensation for his services in the management of such bank, nor derive any emolument therefrom; provided, however, that the president may receive for his services a sum not exceeding five hundred dollars, when the deposits shall exceed five hundred thousand dollars.

Director not to borrow fund. SECTION 10. No trustee or director of such mutual savings bank shall be a borrower; or surety for a borrower, of any of its funds, nor receive any money or valuable thing for negotiating, procuring or recommending any loan from such mutual savings bank, nor for selling or aiding in the sale of any stocks, bonds or securities to or by such savings bank, and any such officer who shall violate any provision of this section shall forfeit to the state one thousand dollars.

Not to issue circulating currency. SECTION 11. Such mutual savings bank shall not make and issue any bill or promissory note to circulate as currency.

Limit of individual deposits. SECTION 12. Such mutual savings bank may receive on deposit from any one person, in his or her own name or in the name of another, in any one year, a sum not exceeding one thousand dollars.

Deposits, how invested. SECTION 13. Any mutual savings bank organized hereunder may employ not exceeding one-half of its deposits in making loans on personal security, and in the purchase of the bonds of the United States, or of the northwestern states, to-wit: Ohio, Indiana, Michigan, Illinois, Iowa, Wisconsin and Minnesota, or of the authorized bonds of any incorporated city, village, town or county, or school district in the aforesaid northwestern states, or of first mortgage bond of any railroad company, which has paid annual dividends of not less than four per cent. regularly on its entire capital stock for a period of at least five years next preceding the investment, and in the consolidated mortgage bonds of any such company issued to retire the entire bonded debt of such company. All other loans shall be secured by mortgage on unincumbered real estate lying and being in the aforesaid northwestern states. No mutual savings bank shall invest any part of its deposits in the stock of any railroad company, nor loan on, nor invest in any mortgage on real estate, except such real

estate as lies in the aforesaid northwestern states. No loan shall be made upon real estate to an amount exceeding sixty per cent. of the value thereof as determined upon by not less than a majority of the members of the finance committee, who shall duly certify to the value of the premises to be mortgaged, according to the best of their judgment, and such report shall be filed and preserved with the records of the corporation.

Additional security required. SECTION 14. No such mutual savings bank shall buy or loan any money upon any obligation on which only one person or firm shall be holden, without additional security for the same, equivalent to the guaranty or indorsement of some other responsible party.

Applications for loans, how made. SECTION 15. All applications for loans shall be made in writing, through the treasurer of the corporation, who shall keep a record thereof, showing the date, name of applicants, amount asked for, and security offered, and he shall cause the same to be presented to the finance committee.

Income, how divided; guaranty fund. SECTION 16. The income or profits of every mutual savings bank after deduction of all reasonable expenses incurred in the management thereof, and the amounts reserved for a guaranty fund, shall be divided among the depositors or their legal representatives semi-annually at the times fixed by its by-laws. Every such mutual savings bank shall, before making any semi-annual dividend, reserve as a guaranty fund from the net profits which have accumulated during the six months then next preceding, a sum equal to not less than one-fourth of one per cent. nor more than one per cent. of the whole amount of deposits, until such fund amounts to ten per cent. of the whole amount of deposits, which fund shall be thereafter maintained and held in that ratio to meet losses in its business from depreciation of the securities or otherwise.

Ordinary dividends. SECTION 17. Ordinary dividends shall be made every six months if the profits are sufficient to warrant it. On all sums which have been on deposit for less than six months immediately preceding the date of dividend, dividends shall be paid pro rata at the same rate as for the semi-annual period, except that no dividend shall be paid for the fractional part of a month or of a dollar.

Extra dividends, when divided. SECTION 18. Once in every term of three years if the net profits accumulated over and above said guaranty fund and ordinary dividends amount to one per cent. of the deposits which have remained in such mutual savings bank for one year next preceding, such net profits may be divided among the depositors whose deposits remain therein for one year at least then next preceding, as an extra dividend.

Real estate held for what purposes. SECTION 19. It shall be lawful for such mutual savings bank to purchase, hold and convey such real estate as banks are authorized by the law of this state to purchase, hold and convey, except that such mutual savings bank may purchase or build a building in which to carry on its own business, but shall not invest in the land and building a sum exceeding ten thousand dollars, except upon the consent and approval of the commissioner of banking.

Deposit to be kept on hand. SECTION 20. Every such mutual savings bank shall keep on hand or on deposit in banks approved by the commissioner of banking as reserve banks, at least five per cent. of its total deposit.

General powers and liabilities. SECTION 21. Every mutual savings bank formed hereunder shall possess the powers and be subject to the provisions of the general laws relating to corporations, so far as the same may be applicable, and shall be subject to all of the provisions of this act relating to reports, examinations, liquidations, powers, liabilities and forfeitures, so far as the same may be applicable, except as herein provided. Any corporation now organized and doing business as a mutual savings bank shall continue business under this act and shall be subject to all of its provisions.

Examining auditors. SECTION 22. The corporators shall annually elect not less than two auditors, who shall not be directors, managers or trustees of the corporation, who shall examine the books, accounts and securities belonging to such bank, and make a sworn statement showing the true condition thereof, the total amount of deposits, the whole number of depositors, the largest amount due to any one depositor, the amount invested in loans on real estate securities, the amount invested in stocks and bonds, the amount of funds on hand, the names of the corporators, trustees, and of the other officers of such institution, on the first day of January of each year, which

statement shall be kept on file in the office of such mutual savings bank, and an attested copy of the same shall be forwarded to the commissioner of banking on or before the first day of February of each year.

CHAPTER IV.

MISCELLANEOUS.

Terms defined. SECTION 1. The term "bank," as used in this act, shall be construed to mean any incorporated banking institution which shall have been incorporated under the laws of this state as they existed prior to the passage of this act, and to such banking institutions as shall hereafter become incorporated under the provisions of this act. The term "mutual savings bank" shall be construed to mean any corporation organized pursuant to the provisions of the act for the organization of savings banks and savings societies, as such act existed prior to the passage of this act, or to such corporations as shall hereafter incorporate as mutual savings banks under this act. The term "lawful money," as used in this act shall be construed to mean all coin, United States notes, treasury notes, gold certificates, silver certificates, national bank notes, and all other forms of money issued by or which may hereafter be issued by or under the authority of the United States as a circulating medium, and shall also be construed to mean any form of certificate which is now or may hereafter be declared to be lawful money by any law of the United States.

CHAPTER V.

REPEALING CLAUSE.

Conflicting laws repealed. SECTION 1. All acts and parts of acts of which this act is amendatory, and all acts or laws inconsistent with the provisions of this act are hereby repealed.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 13, 1903.

No. 179, A.]

[Published May 15, 1903.]

CHAPTER 235.

AN ACT to amend section 1492 of the statutes of 1898, relating to the appointment, term and duties of the state veterinarian.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Appointment, qualifications, term, duties. SECTION 1. Section 1492 of the statutes of 1898, is hereby amended by inserting after the words "veterinary surgeon" in the second line thereof, the words "who is a graduate of a recognized veterinary college in the United States, Canada or Europe" and by inserting after the words "state veterinarian" in the third line thereof the words, "who shall have a permanent office at Madison, Wisconsin, in such room in the capitol as the governor may designate, and whose headquarters shall be in such room in the capitol, where all records and correspondence connected with the duties of the office and the records and correspondence of the live stock sanitary board shall be kept." And by inserting after the word "veterinarian" in the sixth line of said section the words "to devote his entire time and attention" so that the said section when so amended shall read as follows:

Section 1. Section 1492. The governor shall, with the advice and consent of the senate, appoint a competent veterinary surgeon, who is a graduate of a recognized veterinary college in the United States, Canada or Europe, to the office of state veterinarian, who shall have a permanent office at Madison, Wisconsin, in such room in the capitol as the governor may designate, and whose headquarters shall be in such room in the capitol where all records and correspondence connected with the duties of the office and the records and correspondence of the live stock sanitary board shall be kept. Such appointment shall be made for the term of two years and until the qualification of his successor. The person so appointed shall take an oath of office which shall be filed in the office of the secretary of state. It shall be the duty of such veterinarian to devote his entire time and attention to prevent the introduction of, or spread of, contagious or infectious diseases among domestic animals in this state, to co-operate with the state board of

health in controlling and suppressing such diseases as are common to men and animals, or any diseased condition of animals likely to have a deleterious effect upon the general health of human beings, to make such scientific study, investigations and experiments as he shall deem necessary in relation to the prevention and cure of diseases among animals and extend information concerning the same.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 13, 1903.

No. 130, A.]

[Published May 16, 1903.

CHAPTER 236.

AN ACT to appropriate money to the commissioners of fisheries to be used in establishing fish hatcheries and stations.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Purpose of appropriation, SECTION 1. There is hereby appropriated annually, in addition to the appropriation now made by law, the sum of four thousand dollars, to be used in establishing hatching stations, ponds, and water rights and privileges at such points in the state as will facilitate the propagation of bass, muskellunge and trout, to be expended by said commissioners as now provided by law.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 13, 1903.

No. 91, S.]

[Published May 16, 1903.

CHAPTER 237.

AN ACT to amend subdivision eight of section 1954, chapter 89, of the statutes of 1898, entitled, "Of insurance corporations."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Report, what to show. SECTION 1. Subdivision eight of section 1954, chapter 89 of statutes of 1898, entitled "Of insurance corporations," is hereby amended by inserting after the word "railroad" where it occurs in said subdivision, the words, "municipal or other," and by adding after the word "share," at the end of said subdivision eight, the following: "which said bonds shall be valued for the day on which valuation thereof shall be required under this section, by ascertaining the range of the market, and the average market value as thus found, running through a reasonable period of time, not more than six months preceding the thirty-first day of December in each year;" so that said subdivision when so amended will read as follows: 8. Amount owned in railroad, municipal and other bonds state par value, cost and market value per share, which said bonds shall be valued for the day on which valuation thereof shall be required under this section, by ascertaining the range of the market, and the average market value as thus found, running through a reasonable period of time, not more than six months preceding the thirty-first day of December in each year.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 13, 1903.

No. 64, S.]

[Published May 16, 1903.]

CHAPTER 238.

AN ACT to amend chapter 168 of the laws of 1901 relating to the cataloging and distribution of public documents and the maintenance of a legislative reference room and small working library by the Wisconsin Free Library Commission, and increasing the appropriation therefor.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

To make check list of public documents. SECTION 1. Chapter 168 of the laws of 1901 is amended to read as follows: Section 373c. The Wisconsin free library commission is hereby authorized and directed to make an explanatory check list of the several public documents of the state, including all reports, circulars and bulletins issued by the various state departments, boards and commissions, and to publish this list, and supplementary lists as they may be required, in such form and with such notes as to show the scope and purpose of such publication; to assist state officers, members of the legislature, and other citizens who are studying the growth and development of the affairs and institutions of this state, also to assist the public libraries in the state, in completing files of such publications and in so arranging them as to be of use to citizens of their several localities. The said free library commission is also directed to prepare and print catalog cards of said public documents for the card catalogs of the said public libraries, and for the executive and administrative departments of the state.

Documents to be delivered. Section 373d. The state printer is hereby directed promptly to deliver to the secretary of the commission, as printed, three copies of each message, report, journal, legislative bill, bulletin, circular, or set of bound public documents of whatever character, printed at the expense of the state.

Depositories of public documents. Section 373e. The secretary of said free library commission is hereby directed to ascertain and report to the state superintendent of public property what public libraries, in the state, containing more than one

thousand volumes, including the libraries of normal schools, academies and colleges, can suitably care for and advantageously use, public documents printed by the state. The secretary of said commission shall designate such libraries as depositories of state documents and shall, from time to time, prepare lists of such depositories for the use of the state superintendent of public property. The state superintendent of public property is hereby directed to furnish each library which is designated as a depository of state documents one set of public documents, as they are published, and also copies of such other reports and documents, printed at the expense of the state, as may be of general interest and supplied to him in sufficient numbers to meet such demand.

To maintain library in capitol. Section 373f. The said commission is also authorized and directed to maintain in the state capitol, for the use and information of the legislature, the several state departments, and such other citizens as may desire to consult the same, a legislative reference room and a small working library, as complete as may be, of the several public documents of this and other states, and to purchase for said library standard works of use and reference. The said commission is also hereby authorized and directed to co-operate, during sessions of the legislature, with the secretary and superintendent of the State Historical society of Wisconsin, as trustee of the state, with a view to a joint arrangement, by which the needs of the legislature in the matter of general books of reference may be met to the fullest possible extent; and said commission shall give such space within its rooms to books brought to the capitol by said society for such purpose, as may be jointly agreed upon between them. The librarian of the state library and the officers of state departments are hereby authorized to give or loan to the free library commission for the use of the legislative reference room such books and documents as will be useful in that room. The said free library commission is also authorized to give or loan to the state historical society or to the state departments any books and documents except those in current use in the legislative reference room.

Printing and supplies. Section 373g. The printing of all necessary cards for card catalogs, check lists and supplementary lists, and the binding necessary to properly preserve material collected under this act, shall be done by the state printer upon the order of the commissioners of printing, and the cards, traveling library cases and other supplies necessary to secure the

economical administration of this work shall be furnished by the state superintendent of public property upon warrant from the secretary of the commission.

Additions to library. Section 373h. The said free library commission is also authorized to add to its working library books of permanent value to students, and to loan such books, singly or in traveling libraries, to public libraries, schools, women's clubs, debating societies, university extension circles, or students who are interested in investigating social, political and educational problems, or studying literature, science or art, and to furnish with such traveling libraries suitable outlines for study. It is the purpose of this provision to make possible in small communities by temporary supplies of good books, such serious study of worthy subjects as is not ordinarily possible to persons who have no access to large libraries, and to promote the organization and welfare of associations for serious study.

Appropriation. Section 373i. For the purpose of carrying out the provisions of this act, there shall be and is hereby annually appropriated to the Wisconsin free library commission, from any money in the general fund not otherwise appropriated, in addition to such sums as have been heretofore appropriated, the sum of twenty-five hundred dollars, and any balance not expended in any one year may be added to the expenditure for the next ensuing year.

Conflicting laws repealed. SECTION 2. All acts or parts of acts inconsistent with or in conflict with the provisions of this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved May 13, 1903.

No. 152, S.]

[Published May 16, 1903.]

CHAPTER 239.

AN ACT to authorize E. S. Shepard and A. W. Shelton, their heirs or assigns, to erect and maintain a dam across the Wisconsin river in Oneida county.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Location of dam. SECTION 1. E. S. Shepard and A. W. Shelton, their heirs and assigns, are hereby authorized to build and maintain a dam across the Wisconsin river between the north line of section twenty-three and the south line of section twenty-seven, all of township thirty-six north, of range eight east, in Oneida county, Wisconsin, for the purpose of improving the navigation of the Wisconsin river above said dam; and the said E. S. Shepard and A. W. Shelton, their heirs and assigns, are hereby authorized to use the hydraulic power created by said dam for manufacturing purposes.

Powers conferred. SECTION 2. Said dam shall be of such height as will be sufficient to set back the water of said river to the east and west quarter line of section 12, township 36 north, of range 8 east, in Oneida county, and it shall never be maintained of such height as to set back the water of said river above the mouth of the Pelican river. For the purpose of acquiring the necessary lands, or rights, easements and privileges in lands, necessary for flowage, so that the complete construction of said dam and improvement under this act, may be successfully carried out; provided, that suitable fishways shall be built and maintained to permit the free passage of fish over and through the said dam, said E. S. Shepard and A. W. Shelton, their heirs and assigns, may have and enjoy all of the rights granted to and conferred upon corporations by sections 1777a, 1777b, 1777c and 1777d of the statutes of 1898.

Slides and chutes. SECTION 3. Said E. S. Shepard and A. W. Shelton, their heirs, associates and assigns, shall build and maintain and keep in repair suitable slides and chutes in said dam or dams for the running of logs and timber products over the same, sufficient in capacity to accommodate all logs and tim-

ber products that may be floated down said river, and shall maintain a sufficient unobstructed channel for the free passage of logs and timber products through the pond created by said dam, and all logs and other timber products destined to other points below said dam shall be taken by the owners of said dam or dams when they reach the flowage thereof or reach any jam that may be caused by the stopping of logs by the works or pond of the owners of said dam or dams, and shall be driven by such owners free of charge and with reasonable dispatch through said flowage and pond and over said dam or dams. Provided, that the provisions of section 1601 of the statutes of 1898 shall not apply to the dam or dams erected under this act.

How constructed. SECTION 4. Said dam or dams shall be so constructed and maintained as to be capable of permitting the free and uninterrupted passage through or over the same of any and all floods discharged by any flooding dam further up said river for the purpose of assisting in and facilitating the driving of logs and other timber products below the dam or dams authorized by this act, and the owners of said dam or dams shall so maintain and operate them as to permit the free passage of all such floods without substantial impairment of their effectiveness in assisting in the driving of logs and timber products down said river, and shall be liable to damages to any person or corporation injured by failure of compliance with this section.

Act construed. SECTION 5. No corporate powers are granted by this act and the same shall not be construed or deemed to grant such powers.

Legislative rights reserved. SECTION 6. The power to alter, amend or repeal this act is hereby reserved.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved May 13, 1903.

No. 127, S.]

[Published May 16, 1903.

CHAPTER 240.

AN ACT to amend chapter 228, laws of 1901, "An act to provide for the organization and discipline of the Wisconsin National Guard and making an appropriation therefor."

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Military staff of governor, of what to consist. SECTION 1. Amend section 2 by striking out the words "surgeon general" in the fourth line and by adding after the words "assistant adjutant general" in the fifth line the words "one assistant surgeon general," so that said section 2 when so amended shall read as follows: Military staff of governor, of what to consist. Section 2. The military staff of the governor shall be appointed by him and shall consist of one adjutant general, one quartermaster general, each with the rank of brigadier general, one assistant adjutant general, one assistant surgeon general, one inspector of small arms practice and five aides-de-camp, each with the rank of colonel, one quartermaster and one paymaster, each with the rank of major, one commissary of subsistence and one additional paymaster, each with the rank of captain, and such other officers as he may require.

Organization of medical department. SECTION 2. Amend section 17 by inserting after the word "the" and before the words "surgeon general" in the third line the word "assistant" and after the word "thereof" in the same line the following "and shall be paid a salary of five hundred dollars (\$500) annually and shall be allowed his necessary expenses when serving under orders," so that said section 17 when so amended shall read as follows: Organization of medical department. Section 17. The medical department of the national guard shall be organized as follows: The assistant surgeon general shall be the head thereof and shall be paid a salary of five hundred dollars annually and shall be allowed his necessary expenses when serving under orders. There shall be as many surgeons as there are regiments, two assistant surgeons for each regiment of infantry, and one for each troop of cavalry, battery and separate battalion; said sur-

geons to have the rank of major, assistant surgeons to have the rank of first lieutenant mounted for the first five years of service and that of captain mounted after five years' service. A hospital corps may also be organized by order of the governor.

Regimental and battalion organization. SECTION 3. Amend section 26 by adding after the words "five years" in the third line the words "unless the governor shall order otherwise," so that said section 26 when so amended shall read as follows: Regimental and battalion organization. Section 26. The regiments shall each be officered by one colonel, whose term of continuous service as such colonel shall be limited to five years unless the governor shall order otherwise, one lieutenant colonel and three majors. The regimental staff shall consist of one regimental adjutant, one quartermaster, and one commissary, each with the rank of captain mounted, and one chaplain with the rank of captain of infantry. The regimental staff shall be appointed by the regimental commander, subject to the approval of and on the commission of the governor. The regimental non-commissioned staff shall consist of one sergeant major, one quartermaster sergeant, one commissary sergeant, and two color sergeants who shall be appointed by the regimental commander from the enlisted men of his command. The battalion staff shall consist of one battalion adjutant with the rank of first lieutenant mounted, and one battalion quartermaster and commissary with the rank of second lieutenant mounted, who shall be appointed by the battalion commander, subject to the approval of the colonel and on commission of the governor, and one battalion sergeant major, who shall be appointed by the battalion commander from the enlisted men of his command.

Companies to provide armory; allowance to, for rent; when to be paid. SECTION 4. Amend section 59 by striking out the word "four" in the twenty-sixth line and substituting therefor the word "five" and by striking out the word "five" in the twenty-ninth line and substituting therefor the word "seven," so that said section when so amended shall read as follows: Companies to provide armory; allowance to, for rent; when to be paid. Section 59. Each company and band shall provide at its own expense a suitable room or building for an armory, and proper racks, frames and other needed provisions for safe keeping of the quartermasters' and ordnance stores and supplies issued by the state, and shall keep therein the same when not in lawful use, except when an armory has been provided for the en-

tire regiment to which the company or band may be attached. When such company or band shall be found by means of the annual inspection, provided for in this chapter, to be properly organized; to have at least the minimum number of members; to be well uniformed; to be well equipped with the necessary arms, accoutrements and to have its quartermasters' and ordnance stores in good condition; to have assembled for inspection and drill as provided by law; and if the commanding officer of such company or the officer or non-commissioned officer in charge of such band shall have made all the muster rolls and returns required by law or orders; all of which shall be evidenced by the certificate of the adjutant general; and when such certified inspection report shall be approved by the governor, each such company shall, except as provided in chapter 365 of the laws of 1895, annually be paid, upon the receipt of its commanding officer, the following appropriations in addition to those otherwise provided for in this chapter. Each company of infantry stationed in a city containing less than fifty thousand inhabitants, according to the last state or national census, five hundred dollars. Each company of infantry stationed in a city containing more than fifty thousand inhabitants, according to such census, seven hundred dollars. The troop of cavalry and battery of light artillery each eight hundred dollars and the bands each the sum of one hundred dollars. The above appropriations shall be full compensation for armory rent and for all other expenses not otherwise provided for in this chapter.

Review or parade, governor may order; encampments, length of; transportation of troops; not on Sunday. SECTION 5. Amend section 62 by inserting after the word "necessity" in the sixteenth line the following, "field and staff officers when so ordered into camp may be furnished, under such conditions as the governor may order, with suitable mounts," so that said section when so amended shall read as follows: Review or parade, governor may order; encampments, length of; transportation of troops; not on Sunday. SECTION 62. The governor may order all or any portion of the national guard, and the commander of any organization thereof may order the whole or any portion of his command, stationed in any city, to assemble for instruction, parade, review or exercise, at such times and places and for such length of time as he may think proper, or make any other orders relating thereto; provided, no organization shall be ordered to, or shall leave the limits of the county in which its station is located except by

permission of the commander-in-chief. The governor may also order the national guard, or any part thereof, into encampments for military instruction, not to exceed ten days in any year, and may fix the time and place for such encampment, provided that no troops shall be transported on Sunday except for active military service, in cases of necessity. Field and staff officers when so ordered into camp may be furnished, under such conditions as the governor may order, with suitable mounts. Any troops when so ordered into camp, shall be furnished by the state with transportation, tents and camp equipment, and such and such other reasonable and necessary provision for the proper care and preservation of the health of the men, as may be ordered by the governor.

Decoration for long, faithful service. SECTION 6. Amend by adding after section 71, a new section which shall be as follows: Section 71a. For not less than fifteen years' service a bronze medal may be issued to all officers and enlisted men eligible to receive a decoration for long and faithful service. The issue shall be made under such regulations as the governor may prescribe.

Appropriation. SECTION 7. Amend section 73 by striking out the words "twenty-five" in the fifth line and substituting therefor the word "thirty," so that said section 73 when so amended shall read as follows: Appropriation. Section 73. There is hereby annually appropriated out of any money in the state treasury, not otherwise appropriated, a sum of money to make purchases, defray expenses and pay all allowances authorized by this act not to exceed one hundred thirty thousand dollars annually, except in case of war, riot or great public calamity.

Conflicting laws repealed. SECTION 8. All acts and parts of acts inconsistent or in conflict with the provisions of this act are hereby repealed.

SECTION 9. This act shall take effect and be in force from and after its passage and publication.

Approved May 13, 1903.

No. 243, S.]

[Published May 16, 1903.]

CHAPTER 241.

AN ACT to authorize the repairing by resurfacing of streets and repairing of gutters and curbing of any sidewalk in cities of the first class.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Repair of streets by resurfacing. SECTION 1. In any city of this state of the first class whether organized under the general law or under special charter the common council may, when petitioned so to do, order the paving or repaving of streets or the repairing of streets by resurfacing with crushed stone or crushed stone and gravel and repairing of gutters and the curbing of sidewalks in said city.

Petition, contents thereof; by whom signed. SECTION 2. Said petition must be signed, before being presented to the common council, by residents of said city owning a two-thirds majority of the feet in front of all the lots fronting upon such proposed improvements, owned by residents of such city, and for that purpose, every person in the actual possession of any lot or parcel of land fronting upon such improvements, under a contract in force for the purchase thereof from the owner, shall be held to be a freeholder within the meaning of this act, and to be the owner of such real estate for the purpose of petitioning as owner thereof. Every person signing such petition as a resident, or as an owner of property, shall be required to write after his signature thereto a brief description of the property so owned by him, and of the place of his residence in said city, and to annex thereto an affidavit that he is such resident and owner, and thereupon he shall be taken to be such resident and owner, and such petition shall be as valid and have the same effect as if such person were the owner of such property, and a resident of the city or ward, as stated in his affidavit, although in fact it should thereafter appear that he was not such owner or resident. Said petition shall describe the kind of pavement to be constructed or the kind of crushed stone or crushed stone and gravel to be used in the making of said improvements, and

no other material shall be used than that described in said petition, and the manner of doing said work and the making of said improvements.

Expense charged to lot owner. SECTION 3. The expense of such repairing to the center of any street and the repairing of any gutter and the curbing of any sidewalk shall be chargeable to and payable by the owner or owners of the lot or lots or parcels of land in front of which said work shall be ordered, to the amount which said work shall be adjudged by the board of public works to benefit such lots. And the expense of all such improvements or work across streets at their intersection with streets and alleys, excepting curbing, and the expense of all such improvements or work across public grounds, and to the middle of streets adjacent to public grounds, and the repairing of all cross-walks and all expense in excess of the benefits, shall be paid out of the general city fund. Provided, however, that in streets where there is a plot or park in the center, the owners of the abutting property opposite such plot or park shall pay and be liable for the costs of said repairing, and the curbing up to the curb line of said plot or park, to the amount which such work shall be adjudged by the board of public works to benefit such lots.

Duty of board of public works. SECTION 4. Upon the presentation of said petition, the common council may order the board of public works to make the improvement petitioned for. Thereupon the board of public works of such city, shall cause to be made an estimate of the cost of such work, and shall put the same on file in its office; and such estimate shall be open to the inspection of any party interested. And the board of public works shall then proceed to cause such improvement to be made in the manner provided by law for other public work in such city; and the contract entered into for the doing of the same shall require the contractor to receive certificates upon or against the several lots, parts of lots or parcels of land which may be assessed, in front of which said work shall be ordered, to apply in payment of the contract price. As soon as said work shall have been done and accepted by the board of public works said board shall determine the proportionate expense properly chargeable to each lot, part of lot or parcel of land subject to contribute to the payment of the same. And the said board shall give notice to all parties interested by advertisement for not less than four (4) days in the official papers of the said city that such assessment has been made and is ready

for inspection in its office, and that the same will be open for review and correction by the said board at its office for not less than four (4) days after the first publication of such notice, during certain hours, not less than two (2) hours of each lay day; and that all persons interested will be heard by such board in objection to such assessment, and generally in the matter of such review and correction. It shall be sufficient to state in such notice in brief what such assessment has been made for and in what locality, and no other notice or publication of such assessment shall be necessary. During the time mentioned in such notice the said board shall hear objections and evidence, and they shall have power to review, modify and correct such assessment at any time during such review and for three (3) days thereafter; and thereupon said board shall endorse such corrected and complete assessment or annex the same to the estimate of the cost of such improvement. And after such assessment has been made as aforesaid, the board of public works shall issue to the contractor or contractors a certificate or certificates stating the amount assessed and chargeable to each lot or parcel of land, and the said amount shall be entered against such lot or parcel of land in the tax warrant for the year in which the assessment is made, and collected in the same manner as other taxes.

Lot owner may appeal. SECTION 5. The owner of any lot or tract of land who feels himself aggrieved by such assessment as to the amount of benefits thereby adjudged to accrue to him by reason of any such improvements charged against his lot or parcel of land may, within twenty days after such corrected and completed assessment shall have been endorsed or annexed to the estimate of cost of such improvement, appeal therefrom to the circuit court of the county in which said city is located; and all provisions of law now or hereafter in force in such city in reference to appeals from local assessments, shall be applicable to the taking, trial and determination of such appeal. Such appeal shall not affect the rights of the contractor or the proceedings in reference to his contract, but the certificate against the lot or parcel of land in question shall be given as if no appeal had been taken, and in case the appellant shall succeed, the difference between the amount charged in the certificate and the amount of the benefit finally adjudged shall be paid by the city out of the general city fund to the appellant, but not until he shall have paid the certificate issued for doing the same.

Property exempt from assessments, when. SECTION 6. No property fronting on any street or avenue shall be exempt from any assessment of benefits on account of the paving or repaving or repairing of such street or avenue under the provisions of this law until such property shall have paid in the aggregate in assessments for street pavement in front thereof the sum of three dollars (\$3.00) per square yard for all that part of the roadway directly in front of or abutting such property, and lying between the curb line and the center of the roadway of such street, and where any property has paid less than said amount it shall be liable for any difference up to the amount of three dollars (\$3.00).

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved May 13, 1903.

No. 271, S.]

[Published May 16, 1903.]

CHAPTER 242.

AN ACT to aid in the building of good roads.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

One-fourth mill tax authorized. SECTION 1. The several counties in the state may, at the next meeting of the county board, levy a one-fourth mill tax on all the taxable property of the county, for the purpose of building county roads.

Road fund. SECTION 2. The money so levied shall be kept in a separate fund, and used for the construction of roads in the county.

County board to have supervision. SECTION 3. The county board shall have power to determine how and when the money so raised shall be expended, and they shall have complete supervision to regulate and establish the construction of roads to be built out of said fund.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved May 13, 1903.

No. 312, S.]

[Published May 16, 1903.

CHAPTER 243.

AN ACT authorizing Charles C. Sniteman, his heirs and assigns, to construct and maintain a dam across the Black river in Clark county.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Location of dam. SECTION 1. Charles C. Sniteman, his heirs or assigns, are hereby authorized to build, construct and maintain a dam in and across Black river in Clark county, not exceeding twenty feet in height, at a suitable point on or near to the north line of the city of Neillsville, upon or at the foot of what is known as Western Rapids; said dam to be so constructed and maintained for the purpose of supplying hydraulic and electrical power to operate machinery, electric lighting plants, pumping works, electric railways and other similar establishments requiring power.

Fishway. SECTION 2. Such dam shall be provided with suitable fish ways, and shall be so constructed as not to materially obstruct or retard the free passage of saw logs down said Black river.

Legislative rights reserved. The right to alter, amend or repeal this act, or any part of it, is hereby reserved.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved May 13, 1903.

No. 317, S.]

[Published May 16, 1903.]

CHAPTER 244.

AN ACT to authorize J. H. Palmer, his heirs and assigns, to build and maintain a dam and make improvements on Long lake creek.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Location of dam. SECTION 1. J. H. Palmer, his heirs and assigns, are hereby authorized to build a dam and make other necessary improvements upon Long lake creek at such point on said creek in towns forty-three and forty-four north, of range three east, in Iron county, to make said creek and Long lake on said creek safely and readily driveable for logs and timber products.

Powers conferred. SECTION 2. In order to build and maintain said dam and use the same for the purposes herein specified, the said J. H. Palmer, his heirs and assigns, shall have the right to take and overflow and use any lands not owned or controlled by him, or any riparian rights, and may acquire title to any such lands and riparian rights and the right to control and use the same for said purposes by and through proceedings of condemnation under the power of eminent domain, as provided in section 1777 of the statutes of 1898, and said act and any acts amendatory thereof, are hereby made applicable to said dam and to the acquisition of the title or right to use any lands or riparian rights for the purpose of building, maintaining and using said dam for the purposes hereinbefore specified.

Compensation authorized. SECTION 3. As compensation for the use of said dam and improvements for driving logs and timber products out of Long lake and on or down said Long lake creek and into Ox Bow lake on Turtle river, said J. H. Palmer, his heirs and assigns, shall be entitled to charge ten cents per thousand feet board measure for each thousand feet of logs driven out of Long lake or on Long lake creek and shall have a lien upon said logs so driven for such toll or charge to be enforced as charges for labor are enforced and collected.

Legislative rights reserved. SECTION 4. The legislative reserves the right to amend or repeal this act.

Fishway. SECTION 5. There shall be built and maintained in the dam hereby authorized suitable fishways to permit the free passage of fish over and through the same.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved May 13, 1903.

No. 321, S.]

[Published May 16, 1903.

CHAPTER 245.

AN ACT to authorize town boards of towns in counties having a population of 150,000 or more, to lay water mains and sewers and make assessments therefor.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Water mains and sewers may be constructed. SECTION 1. The town board of every town in counties having a population of one hundred and fifty thousand or more are hereby authorized upon petition of two-thirds of the property owners in a block to build and construct water mains and sewers along the streets on which such blocks abut and adjoin and to assess property abutting and adjoining upon such streets for the cost thereof.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 13, 1903.

No. 330, S.]

[Published May 16, 1903.

CHAPTER 246.

AN ACT relating to property exempt from taxation and amendatory of section 1038 of the statutes of 1898.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Personalty exempt from taxation. SECTION 1. Section 1038 of the statutes of 1898 is hereby amended by adding after subdivision 11 thereof a new subdivision, which shall read as follows:

11a. (a) The tools of a mechanic kept and used in his trade, and farm and garden tools not exceeding in the aggregate fifty dollars in value;

(b) One bicycle used by the owner in his business or for pleasure, not including any machine propelled in whole or in part by any mechanical agency;

(c) One sewing machine kept for the use of the owner or his family;

(d) Fire arms kept for the use of the owner not exceeding in value twenty-five dollars;

(e) Not exceeding five colonies (swarms) of honey bees, kept for the use of the owner and his family;

(f) Poultry not exceeding in value twenty-five dollars;

(g) And all farm animals born after the thirty-first day of December next preceding the day of assessment.

(h) One watch carried by the owner and not exceeding in value fifty (50) dollars.

Conflicting laws repealed. SECTION 2. All acts or parts of acts inconsistent with the provisions of this act are repealed so far as they conflict therewith.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved May 13, 1903.

No. 366, S.]

[Published May 16, 1903.]

CHAPTER 247.

AN ACT to amend section 1941—14, 1941—15, and 1941—16 of the statutes of 1898 relating to insurance corporations.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amending clause. SECTION 1. Section 1941—14 of the statutes of 1898 is hereby amended by inserting after the words “engaged in the business of selling drugs or druggists’ materials,” where they occur in said subdivision 14 of said section 1941, the words “or engaged in the business of manufacturing or selling hardware,” and by inserting after the words “drugs, drug stocks,” where they occur in said subdivision 14 of said section, the word “hardware.”

Amending clause. Section 1941—15 is hereby amended by striking out that part of subdivision 15 of said section 1941, beginning with the words “to make contracts of insurance” and extending to the words “when required by law,” where they occur in said subdivision of said section, and inserting in lieu thereof, the following: “If composed of persons engaged in the business of selling drugs or druggists’ materials, to make contracts of insurance within this state and elsewhere with any person or persons engaged in the manufacture or sale of drugs or dealing in drug stock, upon such stock and the buildings in which the same are manufactured, stored or kept for sale, against loss and damage by fire or lightning for such premiums or consideration and under such regulations and restrictions as its by-laws may provide. If composed of persons engaged in the business of manufacturing or selling hardware, to make contracts of insurance within this state and elsewhere with any person or persons engaged in the manufacture or sale of hardware, or dealing in hardware stock, upon such stock and the buildings in which the same are manufactured, stored or kept for sale, against loss and damage by fire or lightning for such premiums or consideration and under such regulations and restrictions as its by-laws may provide.”

Amending clause. Section 1941—16 is hereby amended by inserting after the words “may issue policies on druggists’ and

other stock," where such words occur in said subdivision of said section, the words "or hardware," so that when amended said sections 1941—14, 1941—15, and 1941—16 shall read as follows:

Formation of; directors. Section 1941—14. Any number of residents of this state, not less than nine, engaged in the business of selling drugs, or druggists's materials, or engaged in the business of manufacturing or selling hardware and owning in the aggregate property within this state of the value of not less than one hundred thousand dollars, may, in the manner prescribed in section 1897 and as herein prescribed, form a corporation for the purpose of insurance, upon the plan of mutual insurance, of drugs, drug stocks, hardware and other stocks and the buildings in which the same are manufactured, stored or kept for sale from loss or damage by fire or lightning. The first nine persons signing the articles of organization shall be directors until the first annual meeting. The articles of association having been filed with the commissioner of insurance with proof of publication of notice as required by section 1897, and proof that policies in the requisite number have been applied for, shall be examined by the attorney general, and if found in conformity with law the commissioner shall issue his certificate that such corporation is duly organized and is entitled to do business.

Powers. Section 1941—15. Every such corporation, in addition to the powers granted by chapter 85 and subdivisions 2, 3, 4, 5 and 6 of section 1941b, shall have power:

1. If composed of persons engaged in the business of selling drugs or druggists' materials, to make contracts of insurance within this state and elsewhere with any person or persons engaged in the manufacture or sale of drugs or dealing in drug stock, upon such stock and the buildings in which the same are manufactured, stored or kept for sale, against loss and damage by fire or lightning for such premiums or consideration and under such regulations and restrictions as its by-laws may provide. If composed of persons engaged in the business of manufacturing or selling hardware, to make contracts of insurance within this state and elsewhere with any person or persons engaged in the manufacture or sale of hardware, or dealing in hardware stock, upon such stock and the buildings in which the same are manufactured, stored or kept for sale, against loss and damage by fire or lightning for such premiums or consid-

eration and under such regulations and restrictions as its by-laws may provide.

2. When required by law to keep on hand money or other securities, in addition to the obligations signed by the members, may invest such money in first mortgages on improved real estate within this state.

What risks; when may issue policies; members' liability. Section 1941—16. Such corporation, when duly organized and on receiving the certificate of the commissioner of insurance, may issue policies on druggists' and other stocks, or hardware and on the buildings in which the same are contained for any time not exceeding five years, and not extending beyond the time such corporation is to continue, and for an amount not exceeding five thousand dollars on any one risk. It may classify the property insured at the time of insuring the same under different rates corresponding as nearly as may be to the greater or less risk which may attach thereto; but no policy shall be issued until at least one hundred thousand dollars of insurance in not less than one hundred separate risks have been taken and a premium thereon for one year paid in cash aggregating not less than five thousand dollars. All persons and corporations so subscribing shall agree in writing to assume a liability to be named in the policy. Such liability shall not be less than three nor more than five annual premiums, and the amount thereof shall be subject to a call by the board of directors for the payment of the losses and expenses during the time for which the respective policies shall continue in force; and the same liability shall also be agreed to by such subsequent applicant for insurance. All such corporations may thereafter charge and collect in advance upon their policy a full annual premium in cash, and shall in their by-laws and policies fix by uniform rule the contingent mutual liability of members for the payment of the losses and expenses, which liability shall not be less than three nor more than five annual premiums as written in the policy. Such liabilities shall cease with the expiration of the time for which a cash premium has been paid in advance except for liability incurred during such term.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 13, 1903.

No. 367, S.]

[Published May 16, 1903.

CHAPTER 248.

AN ACT to confer additional powers upon the trustees of the Milwaukee County Orphan's Board, a corporation.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Powers. SECTION 1. The trustees of the Milwaukee County Orphans' Board, a corporation, is hereby empowered to invest any funds in its possession or under its control, from whatever source derived, in United States government bonds, bonds of any state of the United States, bonds of any county, city, town or village within the state of Wisconsin, or in first mortgage security on land within the state of Wisconsin, provided such investment be approved by a majority of its members.

Conflicting laws repealed. SECTION 2. All acts or parts of acts in contravention of or inconsistent with the provisions of this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved May 13, 1903.

No. 373, S.]

[Published May 16, 1903.

CHAPTER 249.

AN ACT to amend sections 1 and 13 of chapter 44 of the laws of 1903, relating to the taxation of gifts, inheritances and successions.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Subdivision 4, Section 1, Chapter 44, Laws of 1903, amended.

SECTION 1. Subdivision 4 of section 1 of chapter 44 of the laws of 1903 is hereby amended by adding at the end of said

subdivision the following words: "and provided further, that contingent interests created by the will of any person who died prior to the passage of this act shall not be taxed," so that said subdivision 4 of section 1 when so amended shall read as follows:

Transfer before or after passage of act. (4) Such tax shall be imposed when any such person or corporation becomes beneficially entitled, in possession or expectancy, to any property or the income thereof, by any such transfer whether made before or after the passage of this act; provided, that property or estates which have vested in such persons or corporations before this act shall take effect, shall not be subject to a tax; and provided further, that contingent interests created by the will of any person who died prior to the passage of this act shall not be taxed.

Clause 5, Section 13, Chapter 44, Laws of 1903, amended. SECTION 2. That clause 5 of section 13 of chapter 44, commencing with the words "(5) When property is transferred in trust or otherwise," and ending with the words "Such return of overpayment shall be made in the manner provided by section 8 of this act," is hereby amended so as to read as follows:

Transfer subject to contingent trusts. (5) When property is transferred in trust or otherwise, and the rights, interests or estates of the transferees are dependent upon contingencies or conditions whereby they may be wholly or in part created, defeated, extended or abridged, a tax shall be imposed upon such transfer at the lowest rate which on the happening of any of the said contingencies or conditions would be possible under the provisions of this act, and such tax so imposed shall be due and payable forthwith out of the property transferred; provided, however, that on the happening of any contingency or condition whereby the said property or any part thereof is transferred to a person or corporation, which under the provisions of this act is required to pay a tax at a higher rate than the tax imposed, then such transferee shall pay the difference between the tax imposed and the tax at the higher rate, and the amount of such increased tax shall be enforced and collected as provided in this act.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved May 13, 1903.

No. 376, S.]

[Published May 16, 1903.

CHAPTER 250.

AN ACT amendatory of section 604h of the statutes of 1898, relating to reports of asylum trustees.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Officers' meeting and reports of trustees. SECTION 1. Section 604h of the statutes of 1898 is hereby amended by striking out the word "September" where it occurs in said section and substituting the word "June" instead; so that said section when amended shall read as follows: Section 604h. The board of trustees of each county asylum, shall appoint the visiting physician and the superintendent thereof, and the superintendent shall appoint all other officers and employes, subject to the approval of said board. The county treasurer, as ex-officio treasurer of the asylum, shall keep separate accounts of all moneys appropriated or otherwise received for the asylum and pay the same only upon warrants signed by the president and secretary of the board of trustees. The superintendent shall, under the general directions of the board, be purchasing agent for the asylum, and shall give bond to the county in such sum, not exceeding three thousand dollars, as may be fixed by the board of trustees. The board shall elect one of their number as president and the superintendent of the asylum, or some other suitable person, as secretary thereof. They shall meet at least once in every three months to audit bills, and to transact other business. On the first day of October in each year, or within thirty days thereafter, the board shall file with the county clerk their annual report, together with the report of the superintendent and of the visiting physician, including an itemized statement of receipts and expenses for the year ending on the last day of June, and also a classified statement of the same and an estimate of the appropriations needed for the ensuing year, and a statement of the receipts expected from the state treasurer on the first of February next ensuing.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 13, 1903.

No. 168, S.] .

[Published May 16, 1903.

CHAPTER 251.

AN ACT validating and legalizing in certain cases grants, privileges, powers, franchises and immunities heretofore conferred upon individuals or corporations by municipalities.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Municipal grants validated and legalized. SECTION 1. All grants, privileges, powers, franchises and immunities heretofore granted or intended to be granted to or conferred upon any person or persons, or corporations, by any village or by any city in this state having a population of 30,000 or less, according to the United States census of 1900, to purchase, construct, maintain and operate any street or interurban railway, water works, gas or electric light plants or other public utilities, are hereby validated, legalized, confirmed and approved in all cases where the said person or persons have in good faith transferred such grants, privileges, powers, franchises and immunities to some corporation of this state with power to receive the same and where said person or persons or said corporation have heretofore in good faith purchased or constructed, and said corporation, its successors and assigns, now maintains and operates any part of the said street or interurban railway, water works, gas or electric light plant, or other public utility thereby authorized.

SECTION 2. This act shall not affect any pending litigation.

Conflicting laws repealed. SECTION 3. All acts and parts of acts conflicting with the provisions of this act are hereby repealed.

SECTION 4. This act shall be in force and effect from and after its passage and publication.

Approved May 13, 1903.

No. 10, S.]

[Published May 16, 1903.

CHAPTER 252.

AN ACT to confer upon county boards in all counties of a population of one hundred thousand or more the power to alter and regulate the salaries of stenographers appointed by the district attorneys in all such counties.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

County board to fix salary of stenographers, when. SECTION

1. The board of supervisors of every county in this state now having, or which may hereafter have according to any census theretofore taken, a population of one hundred and fifty thousand or more inhabitants, may, by resolution, at any meeting of the said board of supervisors alter and regulate the compensation of the stenographer appointed by the district attorney of such county.

SECTION 2. All acts and parts of acts inconsistent herewith are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved May 13, 1903.

No. 14, S.]

[Published May 16, 1903.

CHAPTER 253.

AN ACT to appropriate the sums of money herein named to the Wisconsin Industrial School for Girls.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Purpose of appropriation. SECTION 1. There is hereby appropriated out of any money in the general fund not otherwise appropriated, to the Wisconsin Industrial School for Girls, the

following sums of money: For the repair of buildings and care of property belonging to the state of Wisconsin, and occupied by said school at North Point, in the city of Milwaukee, county of Milwaukee, state of Wisconsin, during the ensuing two years, namely, 1903 and 1904, the sum of six thousand dollars; for the re-erection, reconstruction and refurnishing of the "main home" and the "intermediate home" buildings upon the land belonging to the state of Wisconsin and occupied by the said Wisconsin Industrial School for Girls, at North Point aforesaid, the sum of forty thousand dollars; provided, however, that no plan or plans shall be adopted and no contract or contracts shall be entered into by the Wisconsin Industrial School for Girls for the reconstruction, re-erection or refurnishing of said buildings, or other re-structure or structure of said buildings, furnishings therefor, or thing specified in this act until such plans and contracts with estimates of the total cost thereof shall first have been submitted to and in writing approved by the governor of the state, who shall withhold such approval until he shall satisfy himself by a personal examination of the same and by such other means as he in his discretion may adopt, and that any such buildings, structure, restructure or rebuilding said buildings or thing can and will be re-erected and fully completed according to such plans or contracts for the sum of money not exceeding the amount hereby appropriated for such particular purpose.

Account; report. SECTION 2. A correct account shall be kept by the managers of said school, of the expenditures of said sums hereby appropriated, and the same shall be reported to the governor and legislature in the next annual or biennial reports of said school.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved May 13, 1903.

No. 660, A.]

[Published May 16, 1903.

CHAPTER 254.

AN ACT amendatory of section 2533b of the statutes of 1898, relating to "Lists; number; how drawn; Milwaukee."

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Lists; number; how drawn; Milwaukee. SECTION 1. Section 2533b of the statutes of 1898 is hereby amended by striking out the word "supplied" where said word appears in the last line of said section 2533b, and inserting in lieu thereof the word "replaced," so that said section when so amended shall be and be read as follows: Section 2533b. Such commissioners shall provide from time to time, as may be necessary, one list of names to be drawn from the body of the county to serve as jurors in each of the courts specified in the preceding section; and in making such lists shall put thereon only the names of such persons as they believe to be possessed of the qualifications prescribed in sections 2524 and 2530. The number of names to be placed on such lists shall be determined by the judges of said several courts from time to time by order filed in the office of the clerk of the circuit court. Such lists shall be furnished by said commissioners to the clerks of the respective courts, who shall write the names thereon on separate slips of paper, each in the same manner as near as may be, and fold each slip so that the name shall not be visible, and deposit said slips in a box, containing but one compartment, in the presence of said commissioners, from which they shall be drawn in the following manner, viz.: At least fifteen and not more than thirty days before the sitting of either such court at which a jury is required to attend, the clerk thereof shall, in the presence of said commissioners, proceed to draw the names of thirty-six jurors from said box to serve as petit jurors in said court; such names, as they are drawn, shall be entered upon a suitable record book to be kept by said clerk, and a list of the names so provided shall be kept by him and a separate list thereof by at least one of the commissioners. No advertisement of the time and place of drawing need be given, but the clerk shall fix the date of drawing and give five days' notice thereof to each commissioner. These provisions shall be applicable to any court of

exclusive civil jurisdiction in a county containing a population of over one hundred and fifty thousand, which requires a jury, except that if such court shall be held by two judges they may, by an order made and filed by them with the clerk of such court, require that the names of more than thirty-six persons be so drawn to serve as petit jurors therein. The names of any persons on said lists who have become disqualified to act as jurors may be replaced in the same manner.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 13, 1903.

No. 646, A.]

[Published May 16, 1903.

CHAPTER 255.

AN ACT amendatory of section 2424 of the statutes of 1898, as amended by chapter 110 of the laws of 1901, as amended by chapter 299, laws of 1901, relating to the terms of court in the fifteenth judicial circuit of Wisconsin.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Date of terms; no jury when. SECTION 1. Section 2424 of the statutes of 1898, as amended by chapter 110 of the laws of 1901, as amended by chapter 299 of the laws of 1901, is hereby amended, so as to read, when so amended, as follows: Fifteenth circuit: In the county of Ashland on the second Monday in April and the third Monday in September; in the county of Bayfield on the second Monday in May and the third Monday in October; in the county of Gates on the first Tuesday after July 4th and on the second Monday in December; in the county of Iron on the second Monday in June and the fourth Monday in November; in the county of Price on the fourth Monday in June and the first Tuesday after the first Monday in January; in the county of Sawyer on the first Monday in June and on the second Monday in November; and in the county of Taylor on the last Monday in March and the first

Monday in September. No jury shall be summoned for any such term if the presiding judge of the circuit shall file and order with the clerk of the court for any county therein, at least fifteen days before any general term in such county, directing that no jury shall be summoned; such order may be made whenever it shall appear that there is no necessity for a jury. Said judge may adjourn any general or extra term of such court to the next ensuing general term, or beyond the time fixed for holding general terms thereof in any county in the circuit court.

Conflicting laws repealed. SECTION 2. All acts and parts of acts inconsistent or conflicting with this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after July 15, A. D. 1903.

Approved May 13, 1903.

No. 244, A.]

[Published May 16, 1903.

CHAPTER 256.

AN ACT to appropriate a certain sum of money to the first battery field artillery, Wisconsin national guard, to cover the extraordinary expenses required to properly maintain mounted organizations.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Purpose. SECTION 1. In addition to all other appropriations and allowances provided for the first battery field artillery, Wisconsin national guard, the battery shall receive, subject to the approval of the governor, twenty-five hundred dollars annually as an extra allowance for the purchase of a sufficient number of suitable horses and for the expenses incident to their keep and care.

Appropriation. SECTION 2. There is hereby annually appropriated out of any money in the state treasury, not otherwise

appropriated, the sum of twenty-five hundred dollars to make the purchases and defray the expenses authorized by this act.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved May 13, 1903.

No. 72, A.]

[Published May 15, 1903.

CHAPTER 257.

AN ACT amendatory of section 3964 of the statutes of 1898, relating to the custody of ward, etc.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Custody of ward. SECTION 1. Section 3964 of the statutes of 1898, is hereby amended by inserting after the word "person" in the fourth line of said section, the words "and estate," and by striking out the words "and competent and suitable" commencing in the fifth line thereof after the word "living," and inserting in lieu thereof the words "or he, or she be incompetent or unsuitable;" and by inserting after the word "person" in the seventh line, the words "and estate;" and by striking out all after the word "education," in the seventh line, including lines 8, 9 and 10, and by inserting in lieu thereof, "but the court may in its discretion appoint separate guardians of the person and estate of the minor. The guardian of the person shall have the custody of the person, and the care of his education, and the guardian of the estate shall have the care and management of his estate; and, in all cases, until such minor shall arrive at the age of twenty-one years, or until the guardian shall be discharged according to law," so that said section when so amended shall read as follows: Custody of ward, etc. Section 3964. The father of the minor, if living, and in case of his death the mother, while she remains unmarried, being themselves respectively competent to transact their own business and not otherwise unsuitable, shall be entitled to the custody of the person and estate of the minor, and to the care of

his education. If the minor has no father or mother living, or he or she be incompetent or unsuitable, the guardian so appointed shall have the custody of the person and estate of the minor and the care of his education; but the court may in its discretion appoint separate guardians of the person and estate of the minor. The guardian of the person shall have the custody of the person, and the care of his education, and the guardian of the estate shall have the care and management of his estate; and in all cases, until such minor shall arrive at the age of twenty-one years, or until the guardian shall be discharged according to law.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 13, 1903.

No. 400, S.]

[Published May 16, 1903.

CHAPTER 258.

AN ACT to authorize the La Belle Cemetery Association, its successors and assigns, to build, construct and maintain a wagon bridge or bridges in conjunction with the city of Oconomowoc, across the Oconomowoc river.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Bridge. SECTION 1. The La Belle Cemetery Association, a corporation organized and existing under the laws of this state, its successors and assigns, are hereby authorized to build, construct and maintain, in conjunction with the city of Oconomowoc, for the use of itself and said city, one or more wagon bridges over and across the Oconomowoc river within the limits of said city, to connect the grounds of said association with the streets of said city.

How constructed. SECTION 2. Said bridge or bridges shall be construed so as to offer reasonable and proper means for the passage of row boats and launches through the same, and so as not to materially interfere with the navigation of said river.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved May 13, 1903.

No. 224, S.]

[Published May 16, 1903.

CHAPTER 259.

AN ACT to amend section 1459 of the statutes of 1898 as amended by chapter 320 of the laws of 1901, relating to the state horticultural society and making an appropriation.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Society, a body corporate; duty of; annual appropriation to, increased. SECTION 1. Section 1459 of the statutes of 1898 as amended by chapter 320 of the laws of 1901 is hereby amended by striking out the words "twenty-two hundred and fifty dollars" where the same appear in said section 1459 as amended, and by inserting in lieu thereof the words "four thousand dollars," so that said section when so amended shall read as follows: Section 1459. The Wisconsin state horticultural society is a body corporate by that name, with the general powers and privileges of a corporation so far as applicable. It shall be the duty of the society to aid in the formation and maintenance of county and local horticultural societies, to promote the horticultural interests of the state by holding meetings for discussion thereof, by the collection and dissemination of information in regard to the cultivation of fruits, flowers and trees adapted to the soil and climate of this state, and in other proper ways to advance the fruit and tree growing interests thereof; and for such purposes only it may take, hold and convey real and personal property, the former not exceeding five thousand dollars in value. For the purpose of aiding in the accomplishment of such objects the society shall be entitled to receive four thousand dollars annually from the state treasury, two hundred and fifty dollars of which shall be for the maintenance of experiment stations.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 14, 1903.

No. 368, S.]

[Published May 18, 1903.]

CHAPTER 260.

AN ACT to amend chapter 25 of the statutes of 1898 relating to the university, to provide for the custody of its funds by the state treasurer and the method of their disbursement upon the warrant of the secretary of state.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Powers of board; officers. SECTION 1. Section 379 of the statutes of 1898 is hereby amended by striking out the words "The state treasurer shall be the treasurer of the board and perform all the duties of such office" where they occur in the last sentence of said section, and by inserting instead thereof the following words: "It shall be the duty of the state treasurer to have the charge of all securities for loans and all moneys belonging to the university or in any wise appropriated by law to its endowment or support; to collect the interest on all securities held by him; to pay out moneys only upon the warrant of the secretary of state as provided by law; to keep the same and the accounts thereof separate and distinct from other public funds and particularly distinguish the accounts of every fund, according to the nature thereof, coming to his charge, whether created by law or by private bounty; and to discharge these and other appropriate functions relating thereto," so that said section as so amended, shall read as follows: Section 379. The board of regents and their successors in office shall constitute a body corporate by the name of "the regents of the university of Wisconsin," and shall possess all the powers necessary or convenient to accomplish the objects and perform the duties prescribed by law, and shall have the custody of the books, records, buildings and all other property of said university. The board shall elect a president and a secretary, who shall perform such duties as may be prescribed by the by-laws of the board. The secretary shall keep a faithful record of all the transactions of the board and of the executive committee thereof. It shall be the duty of the state treasurer to have the charge of all securities for loans and all moneys belonging to the university or in any wise appropriated by law to its endowment or support; to collect the interest on all securities held by him; to pay out

moneys only upon the warrant of the secretary of state as provided by law; to keep the same and the accounts thereof separate and distinct from other public funds, and particularly distinguish the accounts of every fund, according to the nature thereof, coming to his charge, whether created by law or by private bounty; and to discharge these and other appropriate functions relating thereto subject to such regulations as the board may adopt not inconsistent with his official duties; and he and his sureties shall be liable on his official bond as state treasurer for the faithful discharge of such duties.

Accounts, how made, etc. SECTION 2. Section 383a of the statutes of 1898 is hereby amended so as to read as follows: Section 383a. All moneys which shall be derived to the university from gifts or other bounties, from fees of students in any form less any rebates allowed under authority of the board, from sales of farm products or any articles of personal property of whatever kind, from publications or advertisements in publications of the university, from fees for services rendered in any manner, from sales or rents of real property, or from any source whatever other than in cases by law required to be paid to the state treasurer, may be paid to the secretary of the board in all cases where the board shall authorize him to receive the same; and such secretary shall at least as often as once a week pay into the state treasury the entire amount of such receipts by him and shall on or before the tenth day of each calendar month deliver to the state treasurer an itemized account of such receipts during the preceding calendar month showing the amount of each sum so received by him, the date thereof, the person from whom received, for what received, and the particular fund or account to which the same belongs; save that the details of small receipts may be omitted and the account made summary in such cases and to such extent as the secretary of state shall prescribe by forms therefor; and shall verify the correctness thereof by his affidavit thereto appended; and a duplicate thereof he shall at the same time file with the secretary of state. Such account shall be made upon forms to be prepared and furnished by the secretary of state. The regents may require of their secretary such bond, in such sum and with such sureties as they shall think fit and its renewable when deemed desirable; and may prescribe regulations for the discharge of all such duties not inconsistent with law. The secretary of state shall audit and give his warrant on the state treasurer for all accounts certified to him by the board or its executive committee, in the manner herein provided. All salaries for instruc-

tional or administrative service, and also allowances to fellows and scholars, which have been fixed by the board, shall be certified at periodical intervals according to the laws of the board upon rolls showing the name of the person entitled to receive the same, the amount of his fixed annual salary or allowance and that the sum so certified is then due him according to the method of periodical payment established by the board; upon which certified roll the secretary of state shall issue his warrant to each person therein named for the amount so certified to be due to him. Payments to janitors, laborers and all other employes and also to all persons from whom milk and products for the dairy are purchased shall be made upon rolls showing the name of the party entitled, for what service or object, to what fund chargeable, and the amounts respectively due each; which shall be likewise certified to the secretary of state to be correct and due and he shall issue thereon his warrant for the amount due each person upon such roll to each such person. Every other claim or account shall state the nature and particulars of the service rendered or material furnished and be verified by the affidavit of the claimant or his agent and filed with the secretary of the regents, and a roll, showing the name of each such person, for what service or object, to what fund chargeable, and the amount allowed to and due him, shall be certified as aforesaid to the secretary of state; upon which he shall issue his warrant for the proper amount to the person entitled thereto. The board may enact laws to govern all such business not inconsistent with law; and all forms shall be prepared and furnished by the secretary of state. All warrants issued pursuant to this section shall be labeled "University Warrant" and numbered in consecutive order. All gifts, bounties, and moneys paid in and appropriations made by law for the university, its endowment, aid, or support, when received by the state treasurer shall be at once credited to the proper fund, and if received as part of the general fund shall be forthwith transferred by warrant to the proper university account, and shall all thenceforth be held solely for the respective uses to which the same is by law appropriated, and shall never be employed, diverted to, or paid out for any other use or purpose.

SECTION 3. Section 389 of the statutes of 1898 is amended by striking out the words "by transfer to the treasurer of said board" in the ninth line thereof.

Conflicting laws repealed. SECTION 4. All acts or provisions of law inconsistent with this act are hereby repealed.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved May 14, 1903.

No. 72, S.]

[Published May 18, 1903.

CHAPTER 261.

AN ACT making an appropriation to the Wisconsin Buttermakers' association.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Annual appropriation. SECTION 1. There is hereby annually appropriated to the Wisconsin Buttermakers' association out of any money in the treasury, not otherwise appropriated, the sum of five hundred dollars.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 14, 1903.

No. 257, S.]

[Published May 18, 1903.

CHAPTER 262.

AN ACT to appropriate to the Wisconsin State Poultry association the sum of money therein named.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Annual appropriation. SECTION 1: There is hereby annually appropriated to the Wisconsin State Poultry association out of any moneys in the state treasury, not otherwise appropriated, the sum of two hundred dollars.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 14, 1903.

No. 359, S.]

[Published May 18, 1903.

CHAPTER 263.

AN ACT amendatory of subdivision 2, of section 3726 of the statutes of 1898, as amended by chapter 267 of the laws of 1901, relating to garnishment proceedings in justice court.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Appeal by defendant; stay of proceedings. SECTION 1. Subdivision 2 of section 3726 of the statutes of 1898 as amended by chapter 267 of the laws of 1901, is hereby amended by inserting the words "or the payment of money" after the word "property" in the thirty-first line of section 1 of chapter 267 of the laws of 1901, so that said subdivision 2 shall read as follows: 2. If the value of the property in the possession of the garnishee, as found by the justice or jury, shall exceed the amount of the judgment for damages and costs against the prin-

principal defendant, then for the amount of the judgment for damages and costs against the principal defendant, with the costs of suit in the action in which he is a garnishee, not exceeding the value as found by the justice or jury. The plaintiff at his election, instead of taking judgment as aforesaid for the value as so found against the garnishee, may enforce the delivery of the property found in his hands by proceedings as for a contempt in case of the garnishee's refusal to deliver the property found in his possession pursuant to the order of the justice requiring such delivery. An appeal may be taken from any order of the justice directing the delivery of the property or the payment of money in the garnishee's possession the same as if from a judgment. Proceedings under said order may be stayed during the pendency of the appeal by the execution by the defendant of an undertaking, with one or more sureties, to be approved by the justice, to the effect that if the order appealed from shall be affirmed or the appeal dismissed, the appellant will pay to the plaintiff the value of the property mentioned in said order, with interest, and the costs of the plaintiff on the appeal or, that, in either such event, he will deliver such property to the plaintiff and pay interest on the value thereof and such costs; but whenever an appeal shall be taken by a defendant from a judgment given against him and in favor of the plaintiff in the principal suit, and execution on such judgment shall be stayed by the filing with the proper justice of an undertaking for that purpose, approved as required by law, all proceedings in any garnishee proceeding in aid of such principal suit and upon any order or judgment which may have been given or made in such garnishee proceeding, shall be thereby also stayed until the final determination of such principal suit or such appeal; further proceedings in such garnishee action may be had upon filing a certified copy of the judgment in the original action with the justice of the peace before whom the same is pending and three days' notice to the opposite party.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 14, 1903.

No. 334, S.]

[Published May 18, 1903.

CHAPTER 264.

AN ACT creating a new section to the statutes of 1898, to be designated and numbered section 2172a relating to "election by insane or mentally incompetent widow" and adding said section to said statutes.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Election by appointed guardian, when. SECTION 1. A new section is hereby created and added to the statutes of 1898, to be designated and numbered and read as follows: Section 2172a. When a widow, entitled to an election under sections 2170 or 2171, shall, at any time within one year after the filing of a petition for the appointment of an administrator of the estate, or for the probate of the will, of her husband, becomes insane or mentally incompetent to make such election, such election may be made for her within two years from the filing of such petition by her duly appointed guardian. Such guardian may make such election for such widow by filing in the court having jurisdiction of the settlement of the estate, a notice in writing that he elects for and on behalf of said widow to take the provisions made for her by law, instead of any jointure, devise or other provision of her husband's will, and the filing of such notice, by such guardian, shall have the same force and effect as though notice in writing had been filed in said court by said widow as hereinbefore provided.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 14, 1903.

No. 314, S.]

[Published May 18, 1903.

CHAPTER 265.

AN ACT relating to the possession and care of estate by executors and administrators and amendatory of section 3823 of the statutes of 1898, (making it harmonize with section 3874).

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Possession and care of estate. SECTION 1. Section 3823 of the statutes of 1898 is hereby amended by inserting after the word "homestead" wherever it occurs in said section, the following words, to-wit: "When it is not subject to the debts and liabilities of the deceased owner," so that said section when amended shall read as follows: Possession and care of estates. Section 3823. The executor or administrator shall have a right to the possession of all the real as well as personal estate of the deceased, except the homestead when it is not subject to the debts and liabilities of the deceased owner, and may receive the rents, issues and profits of the real estate, except the homestead when it is not subject to the debts and liabilities of the deceased owner, until the estate shall have been settled or until delivered over, by order of the county court, to the heirs or devisees, and shall keep in good tenantable repair all houses, buildings and fences thereon, which are under his control.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 14, 1903.

No. 231, S.]

[Published May 18, 1903.

CHAPTER 266.

AN ACT amendatory of section 419 of the statutes of 1898, relating to the alteration of the boundaries of school districts by town boards of supervisors.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Notice; time within which change in district may be made.

SECTION 1: Section 419 of the statutes of 1898 is hereby amended so as to be and read when so amended as follows: Section 419. In all cases where an alteration of the boundaries of a school district shall be made, the town board of supervisors shall, within three days thereafter, give notice thereof by filing a copy of the order so altering said school district, with the town clerk and also with the district clerk of each of the districts affected by such alteration. No alteration of any organized school district shall be made to take effect between the first day of December in any year, and the first day of April following.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 14, 1903.

No. 136, S.]

[Published May 18, 1903.]

CHAPTER 267.

AN ACT amendatory of section 2252 of the statutes of 1898, relating to discharge of mortgages, of record, by the court.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Discharge of mortgage by court. SECTION 1. Section 2252 of the statutes of 1898 is hereby amended by inserting after the word "that" where it occurs in the fourth line of said section, the words "the mortgagee or his assignee is a corporation which has ceased to exist or which has no officer or agent in the state of Wisconsin competent to discharge the same of record or that," so that said section when so amended shall read as follows: Section 2252. The circuit court of any county in which a mortgage is legally recorded may make an order discharging such mortgage of record on proof being made to the satisfaction of the court that the mortgage has been fully paid or satisfied and that the mortgagee or his assignee is a corporation which has ceased to exist or which has no officer or agent in the state of Wisconsin competent to discharge the same of record or that the mortgagee or his assignee is a non-resident of the county where such mortgage is recorded, or is deceased, and in such case, that there is no administrator on his estate under the authority of this state. The register of deeds shall record such order or a copy thereof, certified by the clerk under the seal of the court, and such record shall have the same effect as the record of discharge by a mortgagee duly executed and acknowledged.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 14, 1903.

No. 135, S.]

[Published May 18, 1903.

CHAPTER 268.

AN ACT amendatory of section 2869 of the statutes of 1898,
relating to exceptions in jury trials.

*The people of the state of Wisconsin represented in senate and
assembly do enact as follows:*

Exceptions in jury trials. SECTION 1. Section 2869 of the statutes of 1898 is hereby amended by adding thereto after the word "consent" in the seventh line the following: "or to the judge's refusal to charge the jury as requested by either party," so that said section when so amended shall read as follows: Section 2869. In any trial by jury if an exception be taken it may be reduced to writing at the time, signed by the judge, without seal, and filed as part of the record; or it may be entered in the judge's minutes and afterwards settled by the judge separately in like manner or in a bill of exceptions. Either party may, at any time before the close of the term of court at which the action is tried, except to any part of the judge's charge to the jury, not given with his express consent, or to the judge's refusal to charge the jury as requested by either party, with the same effect as if done at the trial before the jury retired.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 14, 1903.

No. 119, S.]

[Published May 18, 1903.

CHAPTER 269.

AN ACT to provide for the destruction of certain kinds of fish from the waters of Fox Lake, in Dodge county.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Duty of game warden; disposition of fish caught. SECTION

1. The game warden is hereby authorized and directed to cause Fox lake, in Dodge county, to be seined at such times during the years 1903 and 1904 as shall to him seem best, and take out of said lake the carp, dog-fish, bill-fish, gar-fish, and suckers and dispose of the same in the following manner: all dog-fish, bill-fish and gar-fish shall be destroyed, and all suckers and carp shall be sold if possible, and the proceeds thereof paid to the state treasurer, and become a part of the hunting license fund; and all other fish caught while so seining shall be immediately returned to the waters of said lake.

Deputies authorized. SECTION 2. The said game warden is hereby authorized to employ the necessary deputies to carry out the purposes of this act.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved May 14, 1903.

No. 110, S.]

[Published May 18, 1903.]

CHAPTER 270.

AN ACT fixing the terms of office of commissioners of the union school district of the city and town of Ripon.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Term of office. SECTION 1. That the terms of the offices of union school district of the city and town of Ripon shall be as follows: That the terms of office of commissioners of said union school district of the city and town of Ripon, chosen by the electors of the city and town of Ripon at the next annual charter election shall be for three years. That the term of office of commissioners of said union school district, to be chosen by the electors at the charter election in 1904 shall be for the term of two years. That the offices of commissioners of said union school district, which become vacant in 1905 shall be filled by appointment on a majority vote of the common council of the city of Ripon for the term of one year. That from and after the year 1906, eight commissioners shall be elected, in said union school district at the charter election in said city of Ripon, to hold office for the term of four years, and shall be elected every four years thereafter. Not more than two such commissioners to be elected in any one ward of the city of Ripon. The electors residing in the town of Ripon, within the limits of joint school district number two, shall be eligible to the office of commissioner and shall vote for such commissioners in the fourth ward of said city; and the electors residing in the town of Ripon, within the limits of joint school district number five, shall in like manner be eligible to said office of commissioner and shall vote for such commissioner in the first ward of said city.

Conflicting laws repealed. SECTION 2. All acts or parts of acts inconsistent with the provisions of this act, so far as they affect the union school district of the city and town of Ripon, are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved May 14, 1903.

No. 98, S.]

[Published May 16, 1903.

CHAPTER 271.

AN ACT amendatory of section 2778 of the statutes of 1898, and enacting and adding to the statutes of 1898 a new section to be designated and known as section 2778a, relating to the procedure for the ascertainment of damages growing out of injunctions.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Repealing clause. SECTION 1. Section 2778 of the statutes of 1898, is hereby amended by striking therefrom after the word "thereto" in the seventh line thereof the words "the damages may be ascertained by reference or otherwise as the court shall direct."

Damages, how ascertained. SECTION 2. There is hereby enacted and added to the statutes of 1898 a new section to be designated and known as section 2778a, which shall be and read as follows: Section 2778a. The damages sustained by reason of an injunction may be ascertained by a reference or otherwise as the court shall direct; and in proceedings to ascertain such damages growing out of an injunction the defendant claiming such damages may be required to file and serve upon the opposite party, including the sureties, within such time and in such manner as the court or referee shall direct, a bill of particulars of such damages claimed; whereupon the plaintiff in the case, or the sureties upon such injunctive bond, may within ten days after the service of such bill of particulars offer in writing to permit the court or referee to assess his damages upon such injunction at the sum in such offer specified together with the costs of such proceeding incurred up to the time of such offer. If such offer be not accepted in writing within five days after it is made, the same shall be deemed withdrawn, and cannot be given in evidence or mentioned on the trial; and if the defendant fail to obtain a more favorable assessment of damages he cannot recover cost, but must pay the costs of the opposite party, or parties, from the time of the offer.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved May 14, 1903.

No. 78, S.]

[Published May 16, 1903.]

CHAPTER 272.

AN ACT amendatory of section 4 of chapter 119, of the laws of Wisconsin for the year 1899, entitled "An act conferring additional jurisdiction on the county court of St. Croix county, Wisconsin."

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Procedure when an action is removed from justice to county court. SECTION 1. Section 4 of chapter 119 of the laws of 1899 is hereby amended by adding at the end of said section the following: "provided, that in case of the removal of any criminal action, examination or other proceeding under the provisions of this act, as herein provided, all papers and records therein shall be forthwith delivered to the officer having custody of the accused or other proper officer of said court to be by him forthwith delivered to said county judge, and further proceedings had therein before said county court the same as though said removal had been to the next nearest justice," so that said section when so amended shall read as follows:

Section 4. Whenever any action, examination or other proceeding shall be removed from any justice of the peace of said county of St. Croix upon the oath of the defendant, his agent or attorney, according to the provisions of law for such removal, if said defendant, his agent or attorney, shall request in writing, to such justice of the peace, that the action, examination or other proceeding be removed to the said county court, then the action, examination or other proceeding and all papers therein, shall be forthwith transmitted by mail to the county judge at the city of Hudson and the action, examination or other proceeding shall be for trial at the next regular term of said county court under the provisions of this act, not less than seven days from the date of said removal, at the place of holding regular terms of said county court, nearest the justice of the peace from whom said action, examination or other proceeding is removed. Provided, that in case of the removal of any criminal action, examination or other proceeding under the provisions of this act as herein provided, all papers and records therein shall be forthwith delivered to the officer having cus-

tody of the accused or other proper officer of said court, to be by him forthwith delivered to said county judge, and further proceedings had therein before said county court the same as though said removal had been to the next nearest justice.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 14, 1903.

No. 69, S.]

[Published May 16, 1903.

CHAPTER 273.

AN ACT amendatory of section 4713 of the statutes of 1898, relating to the appointment and compensation of counsel for indigent defendants in criminal actions and proceedings.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Fee for defense of indigent defendant. SECTION 1. Section 4713 of the statutes of 1898, is hereby amended so as to be and read when amended as follows: Section 4713. The courts of record of the state of Wisconsin, having jurisdiction to hear, try and determine criminal actions or proceedings are hereby authorized and empowered to appoint counsel to defend any person or person charged with any offense before such courts, on the ground that the accused is destitute of means to employ counsel, and the county in which such criminal action or proceeding may arise or shall be pending shall only be liable to pay such attorney or counselor for his services such sum as the court making the appointment shall, by an order to be entered in the minutes thereof, certify to be a reasonable compensation therefor, and which sum shall in no case exceed fifteen dollars per day for each day actually occupied in such trial or proceeding and not to exceed ten dollars per day for not more than two days actually and necessarily occupied in preparing for trial in any one case.

SECTION 2. This act shall take effect and be in force after its passage and publication.

Approved May 14, 1903.

No. 43, S.]

[Published May 16, 1903.

CHAPTER 274.

AN ACT relating to weights and measures and making an appropriation therefor.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Purpose of appropriation. SECTION 1. There is hereby appropriated out of the general fund such sum, not to exceed five hundred dollars, as may be necessary to completely repair, restandardize, and properly mount the state standards of weights and measures now in the custody of the college of engineering of the state university. The governor of the state is hereby empowered to employ, through the chief of the United States bureau of standards, a competent person to repair, restandardize, and properly mount in the new building of the college of engineering, the state standards of weights and measures, the total expense of which shall not exceed the sum of five hundred dollars, herein appropriated.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 14, 1903.

No. 28, S.]

[Published May 18, 1903.

CHAPTER 275.

AN ACT relating to the printing and binding of the annual report of the State Historical Society.

The people of the state of Wisconsin represented in senate and assembly, do enact as follows:

Printing for historical society. SECTION 1. The commissioners of public printing are hereby authorized to order the annual report of proceedings of the state historical society of

Wisconsin as trustee of the state, provided for in section 340, statutes of 1898, to be printed on book paper weighing not less than eighty pounds to the ream, and to be bound in cloth, thereby making said publication accord in style with the biennial volume of the collection of said society, also provided for in said section.

SECTION 2. All acts or parts of acts contravening the purposes of this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved May 14, 1903.

No. 45, S.]

[Published May 18, 1903.

CHAPTER 276.

AN ACT amendatory of section 1210d of the statutes of 1898, entitled "Re-assessment of void special assessments, as amended by chapter 9 of the laws of 1901, and as amended by chapter 19 of the laws of 1901."

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Re-assessment of void special assessments. SECTION 1. Section 1210d of the statutes of 1898, as amended by chapter 9 of the laws of 1901, and as amended by chapter 19 of the laws of 1901 is hereby amended by adding after the word "law" in the seventeenth line thereof the following: "Or because such contract was made by a foreign corporation without having first complied with the provisions of section 1770b of the statutes of 1898, as amended," and by adding after the word "canceled" in the thirty-sixth line thereof the following: "Or where such special assessment certificate has not been issued or delivered then to the person, who would have been entitled to such special assessment certificate, if such invalid assesment, contract or proceedings had been regular and valid," and by adding after the word "holder" in the thirty-eighth line thereof the follow-

ing: "or person," and by adding after the word "been" in the fortieth line thereof the following: "or might be," and by adding after the word "same" in the forty-sixth line thereof the following: " or where such original bonds have not been issued or delivered then to the person who would have been entitled to such original bonds, if such invalid assessment, contract and proceedings had been regular and valid," and by striking out the words "the holder" in the fifty-second line and inserting in place thereof the words "such holder or person," so that said section 1210d, when so amended, shall read as follows: Re-assessment of void special assessments. Section 1210d. Where the work of constructing any sewer or grading, graveling, planking, macadamizing, paving or re-paving any street or alley or part thereof, or the curbing of or sodding along any sidewalk, or the paving of any gutter in any city has been done, or may hereafter be done, and any special assessment has been or may be made against any property for such work, and such special assessment or any special assessment certificate, tax sale, tax sale certificate or special improvement bond based thereon is invalid because of such work having been done without authority of law, or for failure to make a proper assessment of benefits and damages, or to observe any provision of law, either in adopting any part of chapter 40a of the statutes of 1898, or otherwise, or because of any act or defect in the proceedings upon which such assessment, certificate, sale or bond is based, or because of any provision contained in the contract for doing such work not authorized by law, or because such contract was made by a foreign corporation without having first complied with the provisions of section 1770b of the statutes of 1898, as amended, the city authorities shall proceed to make a new assessment of benefits and damages in the manner required by law. At the time of making such new assessment, in case where the contract under which such work was done contained any provision not authorized by law and which tended to increase the contract price for doing the work, said authorities shall determine the proportion of such contract price justly chargeable against the property in question for such work and assess the same against such property. In any case where a new assessment is made under this act, the owner of property affected thereby may appeal from such assessment and determination. The cost of such work done pursuant to and at the price fixed in such contract or the proportion thereof determined as aforesaid to be justly chargeable on account of such work, not exceeding the amount of the excess of benefits over damages as ascertained by such new assessment, is hereby made

a lien upon such property, and a certificate to that effect shall be issued by the proper city authorities to the holder of the invalid special assessment certificate or tax sale certificate aforesaid upon surrender thereof or proof that it has been canceled, or where such special assessment certificate has not been issued or delivered then to the person, who would have been entitled to such special assessment certificate, if such invalid assessment, contract or proceedings had been regular and valid, and the excess in the amount of such valid certificate over such new certificate, if any, shall be paid to such holder, or person, out of the proper fund. And when under such original assessment special improvement bonds have been, or might be issued, and as soon as the amount chargeable to the property benefited is finally determined by such new assessment, notice shall be given as provided for in section 925—191 of the statutes of 1898, and when so given and thirty days have elapsed after the giving of such notice, the common council may issue new special improvement bonds in lieu of such original bonds, to the holder thereof upon surrender of the same, or where such original bonds have not been issued or delivered then to the person, who would have been entitled to such original bonds, if such invalid assessment, contract and proceedings had been regular and valid, for the amount of such new assessment remaining unpaid, such new bonds to bear interest at the same rate as the original bonds and to be redeemed, enforced and collected in the same manner as provided for in chapter 40a of the statutes of 1898, and the excess in the amount of such invalid special improvement bonds, if any, over such new bonds shall be paid to such holder or person out of the proper fund, and when new certificates are issued the same shall be carried into the annual tax roll of city taxes levied against such property, collected as a tax and paid to the holder of such new certificate in the manner provided by law for the payment of special assessment certificates. In case of appeal from such new assessment or such determination, or both, the proceedings herein mentioned shall take place as if no appeal had been taken; but if the appellant succeed and the amount of such new assessment exceeds the amount finally adjudged on such appeal the city shall pay such excess with interest thereon from the time the amount of such new certificate is payable or from the time such new bond is issued. In all cases where the invalidity of any such special assessment, special assessment certificate, tax sale, tax sale certificate or special improvement bond is caused by reason of such work having been done without authority of law or by the failure of the common council to pass a valid ordinance adopting

any part of chapter 40a of the statutes of 1898, or by reason of having omitted from such ordinance any part or parts of said chapter 40a, no new assessment of benefits and damages as hereinbefore provided for shall be had or made unless an ordinance shall have been first duly passed, adopted as a part of the city charter all the essential provisions of said chapter 40a, relating to city improvements, so as to be in force at the time of making such new assessment. After the passage of such ordinance, all proceedings taken for a new assessment of benefits and damages shall be as valid and effectual for all purposes as if taken before the doing of the work. No proceeding shall be had under the provisions of this section for the re-assessment of any tax or assessment after the expiration of three years from the time the original tax or assessment was set aside or declared void.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 14, 1903.

No. 50, S.]

[Published May 18, 1901.

CHAPTER 277.

AN ACT amendatory of the law for the funding and refunding of city debts.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Bonds for what purposes; how authorized; refunding indebtedness, when. SECTION 1. Section 925—133 of the statutes of 1898, is hereby amended by striking out the ninth subdivision thereof and by renumbering subdivision 10, accordingly, and also by adding at the end of said section the following: "The council may also issue negotiable bonds, constituting a general city liability for the refunding of other bonds or for the funding of general city indebtedness or liability in the following cases:

1. For the refunding of valid general city bonds issued under subdivisions 1 to 8 of this section, or issued by a village or

other municipality to whose property, rights and liabilities the city has succeeded.

2. For the funding of general city liability existing by reason of the fact that the city has received and has had the use and benefit of moneys raised by the issue or sale of bonds purporting to be a general city liability, but which are technically invalid for the failure to levy a tax as required by section 3, of article 11, of the constitution, or are not in lawful form, or where there was some defect in holding an election, or in some of the proceedings upon which the bonds were based. This subdivision shall apply only to cases in which the moneys were applied to general city purposes, and ought justly to be repaid by the city, where there is an actual existing liability for such repayment, and where such liability did not at the time the money was so received exceed the five per cent. limit of the constitution.

3. For the funding of general city liability arising from the fact that the city has issued special street, sewer, harbor or other improvement bonds, which do not constitute a general city liability, but where the city has collected assessments levied for the payment of the bonds and the same have been lost or diverted to other purposes, such bonds not to exceed the amount with interest. Provided, however, that such collection and diversion actually constitute a general city liability.

4. For the refunding of street, sewer, harbor or other improvement bonds which for any reason constitute a general city liability, not exceeding the constitutional debt limit.

5. For the funding of judgments against the city which cannot in the judgment of the council be paid by current taxation.

Such funding or refunding bonds may run not exceeding twenty years from the time of their issue and may be negotiable coupon bonds payable to bearer at a rate of interest not exceeding that of the debt funded or refunded. Such bonds may be sold at not less than par and accrued interest and the proceeds used to pay the liability for which they were issued, or may be exchanged for the evidences of liability replaced by them. No such bonds shall be issued unless authorized by an ordinance adopted by a vote in favor of the same by at least three-fourths of all the members of the common council elect, said vote to be at a regular meeting not less than one week after the proposed ordinance shall have been published in the official paper of the city. All such bonds issued shall be payable at the option of the city in annual installments, the last installment being payable not more than twenty years after their issue. Before or at the time of issuing said bonds the council shall provide for

the collection of a direct annual tax, sufficient to pay the interest thereon as it falls due and to pay and discharge the principal thereof within twenty years from the time of the issue of such bonds. Said funding or refunding bonds need not be authorized by vote of the people, and shall be signed by the mayor and clerk, countersigned by the comptroller or other like officer with the corporate seal. Said officers before executing said bonds shall ascertain that they do not exceed the limit prescribed by the constitution of the state of Wisconsin and that all provisions required by the constitution and laws of Wisconsin have been duly complied with," so that said section 925—133, when so amended, shall read as follows: Bonds for what purposes; how authorized. Section 925—133. The council shall have authority to issue bonds for the following purposes only:

1. Building school-houses and for public libraries.
2. Building bridges.
3. Erecting public buildings for the use of the city.
4. Purchase of apparatus for fire protection.
5. Street improvements which are to be paid for by the city.
6. Waterworks, sewers and drains, lighting works for streets and public buildings, and in cities of other than the first class for the construction and operation of lighting works to supply the city and its inhabitants with electric or other light.
7. For the purchase or establishment of public parks, public drives, boulevards, cemeteries, garbage grounds, public hospitals and purchasing sites for public buildings.
8. Purchase of toll bridges and approaches.
9. Such other purposes as are authorized by these statutes.

No such bonds shall be issued unless authorized by an ordinance adopted by a vote in favor of the same of at least three-fourths of all the members of the common council elect, said vote to be at a regular meeting, not less than one week after the proposed ordinance shall have been published in the official paper of the city, and in cities with a population of less than five thousand, unless such ordinance shall be ratified by a majority of the electors of said city who shall vote at a special election called for that purpose; provided, that no such bonds shall be issued so that the amount thereof, together with all other indebtedness of the city, shall exceed five per cent. of the assessed valuation of the property therein at the last assessment for the state and county taxes previous to the incurring of such indebtedness; that all such bonds issued shall be payable at the option of the city in annual installments, the last installment being payable not more than twenty years after their date, and

shall bear interest not exceeding six per cent. per annum, payable semi-annually, and that the council shall have provided for the collection of a direct annual tax sufficient to pay the interest thereon as it falls due and to pay and discharge the principal thereof within twenty years from the date of the issue of such bonds. The council may also issue negotiable bonds constituting a general city liability for the refunding of other bonds or for the funding of general city indebtedness or liability in the following cases:

1. For the refunding of valid general city bonds issued under sub-divisions 1 to 8 of this section, or issued by a village or other municipality to whose property, rights and liabilities the city has succeeded.

2. For the funding of general city liability existing by reason of the fact that the city has received and has had the use and benefit of moneys raised by the issue or sale of bonds purporting to be a general city liability, but which are technically invalid for the failure to levy a tax as required by section 3 of article 11, of the constitution, or are not in lawful form, or where there was some defect in holding an election, or in some of the proceedings upon which the bonds were based. This subdivision shall apply only to cases in which the moneys were applied to general city purposes, and ought justly to be repaid by the city, where there is an actual existing liability for such repayment, and where such liability did not at the time the money was so received exceed the five per cent. limit of the constitution.

3. For the funding of general city liability arising from the fact that the city has issued special street, sewer, harbor or other improvement bonds, which do not constitute a general city liability, but where the city has collected assessments levied for the payment of the bonds and the same have been lost or diverted to other purposes, such bonds not to exceed the amount so collected with interest. Provided, however, that such collection and diversion constitute a general city liability.

4. For the refunding of street, sewer, harbor or other improvement bonds which for any reason constitute a general city liability not exceeding the constitutional debt limit.

5. For the funding of judgments against the city, which cannot in the judgment of the council be paid by current taxation.

Such funding or refunding bonds may run not exceeding twenty years from the time of their issue and may be negotiable coupon bonds payable to bearer at a rate of interest not exceeding that of the debt funded or refunded. Such bonds may be

sold at not less than par and accrued interest and the proceeds used to pay the liability for which they were issued, or may be exchanged for the evidences of liability replaced by them. No such bonds shall be issued unless authorized by an ordinance adopted by a vote in favor of the same by at least three-fourths of all the members of the common council elect, said vote to be at a regular meeting not less than one week after the proposed ordinance shall have been published in the official paper of the city. All such bonds issued shall be payable at the option of the city in annual installments, the last installment being payable not more than twenty years after their issue. Before or at the time of issuing said bonds the council shall provide for the collection of a direct annual tax, sufficient to pay the interest thereon as it falls due and to pay and discharge the principal thereof within twenty years from the time of the issue of such bonds. Said funding or refunding bonds need not be authorized by vote of the people, and shall be signed by the mayor, countersigned by the city clerk and sealed with the corporate seal. Said officers before executing said bonds shall ascertain that they do not exceed the limit prescribed by the constitution of the state of Wisconsin and that all provisions required by the constitution and laws of Wisconsin have been duly complied with.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 14, 1903.

No. 83, S.]

[Published May 18, 1903.

CHAPTER 278.

AN ACT to amend chapter 249 of the laws of 1875, entitled, "An act to provide for the letting of county printing for the county of Milwaukee," as amended by chapter 176 of the laws of 1876, entitled, "An act to amend chapter 249 of the laws of 1875 in relation to the letting of county printing for the county of Milwaukee."

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Contracts for printing, how awarded. SECTION 1. Section 2 of chapter 249 of the laws of Wisconsin of 1875, as amended by chapter 176 of the laws of Wisconsin of 1876, is hereby amended so as to read when so amended as follows: Section 2. Said advertisements shall be inserted in the official paper of said county for six successive days, and at the hour appointed in said advertisement, the proposals shall be publicly opened by said county board of supervisors and the contracts shall be awarded separately to the lowest bidders respectively for each item.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 14, 1903.

No. 472, A.]

[Published May 18, 1903.

CHAPTER 279.

AN ACT to appropriate a sum of money therein named to reimburse John J. Kempf, the state treasurer of the state of Wisconsin, for the cost of his official bond, as provided by and pursuant to section 1966—38 of the statutes of 1898.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Appropriation for state treasurer's bond. SECTION 1. There is hereby appropriated out of any money in the general fund not otherwise appropriated, the sum of six hundred and twenty-five dollars to be paid to John J. Kempf, the state treasurer of the state of Wisconsin, for the cost of his official bond furnished by him pursuant to law, said bond having been executed by a surety company authorized to do business in this state and the cost thereof not having exceeded one-fourth of one per cent. on the amount of said bond or obligation by said surety executed.

Appropriation for additional bond or bonds. SECTION 2. There is also hereby appropriated out of any money in the general fund not otherwise appropriated, a sufficient sum to be paid to said John J. Kempf, state treasurer aforesaid, to reimburse him for any further or additional official bond or bonds furnished by him pursuant to law, by any lawful and duly authorized surety company, providing the cost thereof shall not exceed one-fourth of one per cent. on the amount of said bond or bonds, obligation or obligations by said surety executed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved May 15, 1903.

No. 103, S.]

[Published May 18, 1903.

CHAPTER 280.

AN ACT amendatory of section 3105 of the statutes of 1898, relating to actions and proceedings for partition.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Powers of court in actions for partition; trial by jury, when.

SECTION 1. Section 3105, of the statutes of 1898, is hereby amended so as to read when so amended as follows: Section 3105. In all actions for partition the court may investigate and determine all questions of conflicting or controverted titles, quiet title, remove clouds in titles, assign dower and homestead, apportion incumbrances, adjust claims for improvements or for rents and profits; by its judgment invest titles without the forms of conveyances by infants, unknown owners or other parties, adjudge a sale either subject to or free from incumbrance, and order sales for the purpose of division in proper cases. Provided, that any legal issue made by the pleadings shall be triable by jury unless waived, and provided further that any issue in ejectment arising in the partition action shall be subject to the right of second trial as provided by sections 3092 and 3093.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 15, 1903.

No. 258, S.]

[Published May 18, 1903.]

CHAPTER 281.

AN ACT to confirm and validate certain acts of county boards and county officers.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Proceedings confirmed and validated, when. SECTION 1. All acts, resolutions and proceedings of county boards and county officers of this state heretofore passed, had or taken in compromising and settling delinquent taxes and liens of tax certificates upon real properties, such compromises and settlements being with the owner of such real property, are hereby ratified, confirmed and validated in the following cases:

1. In all cases where such taxes had been returned to the county treasurer as delinquent, (and the person or the owner of the lands or property so charged with such taxes claim such taxes to be illegal for any cause).

2. In all cases where tax sale certificates or tax deeds were held by the county.

3. In all cases where tax sale certificates were held by persons or corporations other than the county and the county was, at the time of settlement, lawfully liable to the holders of such certificates on account of the invalidity thereof.

All tax receipts, redemption receipts, and deeds issued to carry out such settlements and compromises are also ratified, confirmed and validated; and the moneys received for such tax receipts, redemption receipts and deeds are hereby declared to have fully satisfied all of said taxes, tax liens and claims of said county against the properties described in such instruments.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 15, 1903.

No. 339, S.]

[Published May 18, 1903.

CHAPTER 282.

AN ACT to amend chapter 297, laws of 1899, entitled, "An act to provide for the payment of the necessary traveling expenses of the assistant state superintendent and of the library clerk in the office of the state superintendent, and for the appointment of a mailing clerk in the office of the state superintendent and making an appropriation therefor."

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Expenses of chief clerk. SECTION 1. Section 1, chapter 297 of the laws of 1899, is hereby amended by adding thereto the following: The chief clerk shall be reimbursed the expenses actually incurred by him in the performance of his duties when the accounts for such expenses are approved by the state superintendent.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 15, 1903.

No. 70, S.]

[Published May 18, 1903.

CHAPTER 283.

AN ACT amendatory of section 750 of the statutes of 1898, authorizing assistance to district attorneys and providing for their suitable compensation.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

District attorney pro tem.; assistance. SECTION 1. Section 750 of the statutes of 1898 is hereby amended by inserting after the word "prison" in the thirteenth line of said section

the words "and in cases of prosecutions before a grand jury and upon indictments found by grand juries," so that said section when so amended shall read as follows: Section 750. When there shall be no district attorney for the county, or he shall be absent from the court, or shall have acted as counsel or attorney for a party accused in relation to the matter of which the accused stands charged and for which he is to be tried, or is near of kin to the party to be tried on a criminal charge, or unable to attend to his duties, the circuit court may, by an order to be entered in the minutes, stating the cause therefor, appoint some suitable person to perform, for the time being, or for the trial of such accused person, the duties of such district attorney, and the person so appointed shall have all the powers of the district attorney while so acting. Such court may, in the same manner, and in their discretion, appoint counsel to assist district attorneys in the prosecution of persons charged with crime punishable by imprisonment in the state prison, and in cases of prosecutions before a grand jury, and upon indictments found by grand juries. Such counsel shall be paid not exceeding fifteen dollars per day in the manner provided by law for the payment of counsel for indigent criminals. When there shall be an unusual amount of civil litigation to which the county is a party or in which it is interested, the circuit court may, on the application of the county board, by order filed with the clerk of said county, appoint an attorney or attorneys to assist the district attorney, and fix his or their compensation.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 15, 1903.

No. 381, S.]

[Published May 18, 1903.

CHAPTER 284.

AN ACT relating to assessments and amendatory of sections 1056 and 1061, statutes of 1898.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Assessor not bound by sworn statement; notice of larger assessment, how given. SECTION 1. Section 1056 of the statutes of 1898 is hereby amended by adding thereto the following: The making of the sworn statement required by this section shall not be binding or conclusive upon the assessor and shall not impair or affect the power and authority conferred upon him by the provisions in section 1055. If any person shall be assessed a greater sum for moneys and credits than the amount shown in the statement of such person duly subscribed and sworn to as above required, the assessor shall give to such person written notice of the amount of such assessment at least six days before the first or some adjourned meeting of the board of review. Such notice may be in the following or an equivalent form: To: You are hereby notified that your assessment for moneys and credits in my assessment district for the year 19.. is the sum of \$.....

.....,
Assessor of the town (city or village) of
Such notice may be delivered personally or by mail, or by leaving the same at the residence or place of business of the person to be notified in the presence of a member of his family or of some person employed in such place of business, of suitable age and discretion. The assessor shall make a written statement or memorandum showing the names of all persons so notified and briefly indicating the date and mode of delivery of each such notices and return the same to the board of review. A failure to give such notice shall not affect the validity of the assessment.

Objections must be presented to board of review. SECTION 2. Section 1061 of the statutes of 1898 is hereby amended by adding thereto the following: No person shall be allowed in any action or proceeding to question the amount or valuation of per-

snal property assessed to him unless in person or by agent he shall have first presented his objections thereto before the board of review of the district in which such assessment was made and in good faith presented evidence to such board in support of such objections and made full disclosure before said board, under oath, of all his personal property liable to assessment in such district and the value thereof, except when prevented from making such presentation and disclosure by a failure to give the notice required by section 1056 or by other omission of duty on the part of the assessor or of such board.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved May 15, 1903.

No. 380, S.]

[Published May 18, 1903.

CHAPTER 285.

AN ACT to amend subdivision 2 of section 9 of chapter 439, laws of 1901, relating to special state aid for graded schools.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Length of school year; average daily attendance. SECTION 1. Subdivision 2 of section 9 of chapter 439, laws of 1901, is hereby amended by striking out the words "each department" and inserting in lieu thereof the following: "at least three departments in schools of the first class and both departments in schools of the second class," so that said subdivision when so amended shall read as follows: Length of school year; average attendance. 2. Schools shall be maintained in the district receiving such aid, at least nine school months, including legal holidays, in each and every department. At least three departments in schools of the first class and both departments in schools of the second class shall have an average daily attendance of not less than fifteen pupils for the entire school year, to entitle the school to state aid.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 15, 1903.

No. 649, A.]

[Published May 18, 1903.

CHAPTER 286.

AN ACT authorizing the supervisors of the town of Fredonia to discontinue a part of the state road, known as the Fond du Lac road, which road is laid out from Port Washington, Wis., in Ozaukee county, through said county, in a north-westerly direction, and into Washington county.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Part of state road to be discontinued. SECTION 1. The supervisors of the town of Fredonia, in Ozaukee county, and state of Wisconsin, and their successors in office, are hereby authorized and empowered to discontinue, in accordance with chapter 52 of the statutes of 1898, the following part of the state road known as the Fond du Lac road, which state road is laid out from Port Washington, in said county of Ozaukee, in a north-westerly direction, through the entire width of said county, and to and into the county of Washington of said state, to-wit: Commencing at a point where said state road enters the east line of section number twenty-six (26), township number twelve (12) north, of range number twenty-one (21) east, from thence along said state road about two hundred forty-six (246) rods to a place where a certain public road (highway), leading direct from Fredonia station in said Ozaukee county, in a northerly direction, connects with said state road.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 15, 1903.

No. 630, A.]

[Published May 18, 1903.

CHAPTER 287.

AN ACT to amend chapter 52 of the statutes of 1898, by adding thereto a section to be known as section 1275b, providing for the laying out of highways in certain cases.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Highway from enclosed land in one town to adjoining town, how laid out. SECTION 1. A new section is hereby added to the statutes of 1898, to be numbered and to read as follows: Section 1275b. When any person shall own land that is shut out from all highways by being surrounded on all sides by real estate belonging to other persons, and on account of hills or other natural causes, it is impracticable to lay out a road from said land to a public highway in the town where said land is situate, and it is practicable to lay out a highway from said land to a highway in an adjoining town, said person shall execute an affidavit in duplicate and present one copy to the supervisors of the town where the said land is situated and one copy to the supervisors of the town where the said proposed highway is to be laid out, said affidavit setting forth the facts above stated, together with the facts required in the affidavit provided under section 1275, then the supervisors of the two said towns shall proceed as provided under said section 1275, except that all orders and notices shall be signed by the supervisors of both of said towns and all papers required to be filed shall be made in duplicate and filed with the clerk of each of the said towns; provided, that the amounts assessed as advantages to the applicant shall be paid to the town treasurer of the town where the land of the applicant is situated, before the order laying out such highway shall be filed, and all damages assessed shall be paid by the town where the land of the applicant is situated.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 15, 1903.

No. 428, A.]

[Published May 18, 1903.]

CHAPTER 288.

AN ACT to authorize A. C. Weber, his heirs, associates or assigns, to build and maintain a dam across the Red river in Shawano county, Wisconsin.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Location of dam; construction; fishway. SECTION 1. A. C. Weber of Shawano, Wisconsin, his heirs, associates or assigns, are hereby authorized to build and maintain a dam across the Red river in Shawano county, Wisconsin, at a point he or they may select on sections 21 or 22, in township 27, of range 15 east, and to use the water of said river for the purpose of operating any and all kinds of machinery he or they may hereafter see fit to erect, and for general hydraulic purposes, and for aiding and assisting in driving logs; provided, said dam shall not exceed twenty feet in height above low water mark; provided further, that said dam shall be so constructed and maintained as not to obstruct or impede the running of logs or timber down said river, and that a suitable log slide, sufficient in width, shall be maintained at the expense of the owners of said dam, together with such piers and guide booms as shall be necessary so as to pass all logs and timber down and over said log slide without hindrance or waste. Provided, that the dam erected under the provisions of this act shall be provided with a good and sufficient fishway to be approved by the state board of commissioners of fisheries, which shall at all times be kept in good repair and open for the free and easy passage of fish up and down said dam. In case the owner, or owners, of said dam shall neglect or refuse to construct or keep in repair or keep open such fishway as required by the provisions in this act, they shall, upon conviction thereof, be fined not less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100.00).

Powers conferred. SECTION 2. That said A. C. Weber, his heirs, associates or assigns, for the purpose of acquiring any flowage rights that he or they may deem necessary in carrying

cut the provisions of this act, may exercise all powers granted to corporations by sections 1777a to 1777d, inclusive, of the statutes of 1898.

Legislative rights reserved. SECTION 3. The right of the legislature to repeal or amend this act is hereby reserved.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved May 15, 1903.

No. 177, A.]

[Published May 18, 1903.

CHAPTER 289.

AN ACT, to appropriate a certain sum to the Wisconsin state fireman's association.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Purpose of appropriation. SECTION 1. There is hereby appropriated to the Wisconsin state fireman's association the sum of eight hundred (800) dollars, out of any moneys not otherwise appropriated. This appropriation is for the years 1903 and 1904, and the said sum so appropriated shall be paid to said association in two equal payments, to be made on or before the first day of June in each of said years. Provided, that the secretary of the Wisconsin State Fireman's association shall file each year on or before the 31st day of December a verified itemized statement of the expenditure of the money received from the state during the year.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 15, 1903.

No. 131, A.]

[Published May 18, 1903.

CHAPTER 290.

AN ACT, to amend chapter 337 of the laws of 1901, relating to the Inter-State Fair Association of La Crosse, Wisconsin, and providing for an increased appropriation therefor.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Annual appropriation; what necessary to secure. SECTION 1. Chapter 337, laws of 1901, is hereby amended by striking out the words "two thousand" where they occur in said section and inserting in lieu thereof the words "twenty-five hundred," so that when so amended said section shall read as follows: Chapter 337, laws of 1901, Section 1. Upon the presentation to the secretary of state of the sworn statement of the president and secretary of the La Crosse Inter-State Fair Association heretofore established at La Crosse, Wisconsin, that said organization at its last annual fair or exhibition prohibited and excluded from its fair grounds and premises over which it had control, all gambling and gambling devices whatsoever and that said organization had not authorized any spirituous or malt liquors to be sold on said grounds during said exhibition or fair; the secretary of state shall during the first ten days of each February, draw his warrant in favor of the treasurer of said fair for twenty-five hundred dollars and ten per centum of the amount of premiums actually paid by the said fair at its last preceding annual fair; in computing the amount on which such percentage is to be paid, there shall not be included more than one thousand dollars of premiums or prizes for trials or exhibitions of speed of all classes in any year. This appropriation is made in lieu of any state aid to which said society might otherwise be entitled by any law of this state, provided, that no money shall be paid under the provisions of this act, for any year in which an annual fair or exhibition was not held.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 15, 1903.

No. 83, A.]

[Published May 18, 1903.]

CHAPTER 291.

AN ACT, amendatory of section 4 of chapter 112 of the laws of 1893, as amended by section 1 of chapter 261 of the laws of 1897, relating to the municipal court of Douglas county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Dockets; stenographer and clerk, duties, bond, salary, fees.

SECTION 1. Section 4 of chapter 112 of the laws of 1893, as amended by section 1 of chapter 261 of the laws of 1897, is hereby amended so as to read, when amended, as follows: Section 4. The said municipal judge shall keep separate dockets for civil and criminal matters respectively. They shall be kept in the same manner, as far as practicable, as dockets of the justices of the peace are required to be kept; provided, however, said municipal judge may appoint and remove at pleasure, a suitable person who shall be a stenographer, as clerk of said court. It shall be the duty of said clerk to keep said dockets and make all entries therein, in the same manner as is required of justices of the peace, and to take in shorthand the testimony given in all actions, both civil and criminal, and to transcribe all, or any portion, of the testimony in any action or examination, when and as requested in writing so to do by any party or attorney in such action. Said clerk shall execute to Douglas county an official bond in the sum of two thousand five hundred dollars, and take an oath of office in the same manner as is required of clerks of the circuit courts; said person shall be known as the clerk of the municipal court, and receive an annual salary of six hundred dollars, to be paid monthly, one-half from the treasury of Douglas county and one-half from the treasury of the city of Superior, at the end of each month, upon the delivery of a certificate, signed by said municipal judge, certifying that said clerk is entitled to said salary; provided, however, the county board of supervisors of Douglas county may at any time increase or diminish the salary of said clerk. Said clerk may charge and collect as fees from every person requesting a transcript of testimony, as hereinbefore provided, the sum of ten cents per folio, and he shall not be re-

quired to deliver said transcript until said fees are paid. Nothing herein shall be construed to affect the fees to be charged and collected by said municipal judge or the duties by him to be performed as provided by law.

SECTION 2. All acts, or parts of acts, which in any way conflict with this act, are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved May 15, 1903.

No. 9, A.]

[Published May 18, 1903.

CHAPTER 292.

AN ACT, to amend subdivision 11 of section 1038 of the statutes of 1898, as amended by chapter 95, laws of 1899, chapter 392, laws of 1901, chapter 192, laws of 1901, relating to property exempt from taxation.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Property exempt from taxation. SECTION 1. Subdivision 11 of section 1038 of the statutes of 1898, is hereby amended by striking out the words "not exceeding" where they occur in the second and third lines of said subdivision 11; and by inserting after the words "household furniture" where they occur in the second line of said subdivision 11, the following: Also one piano, organ or melodeon, and other musical instruments, provided the value of such piano, organ or melodeon, and other musical instruments, added to the value of kitchen and household furniture shall not exceed two hundred dollars. so that subdivision 11 as amended will read: "Wearing apparel, family portraits, private libraries, not exceeding in value two hundred dollars, kitchen and other household furniture, also one piano, organ or melodeon, and other musical instruments, provided the value of such piano, organ or melodeon, and other musical instruments, added to the value of kitchen

and other household furniture shall not exceed in value two hundred dollars, and also growing crops.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 15, 1903.

No. 377, S.]

[Published May 19, 1903.

CHAPTER 293.

AN ACT, relating to public libraries, and amendatory of chapter 41, of the statutes of 1898, and creating a new section to be known as section 936a.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Disposition of gifts, bequests, etc.; treasurer or financial secretary, bond. SECTION 1. In all cases where any gift, bequest, devise or endowment shall have been or shall be made to any public library, organized under section 931 of the statutes of 1898, the library board of such library may pay or transfer such gift, bequest or endowment, or the proceeds thereof, to the treasurer of the city, village or town in which such library is situated, or may in the same manner pay or transfer such gift, bequest or endowment to any member of such board to be elected by them and thereafter to be known as financial secretary. Such financial secretary shall hold his office only during his membership of such library board, and shall be elected annually at the same time and in the same manner as the other officers of the library board. In all cases of any such treasurer or financial secretary holding any moneys or property whatever belonging to such library, such library board shall require a bond from such treasurer or financial secretary to the library board in such sum, not less than double the amount of such money or property so held by him, and with such sureties, as the said library board shall require and approve. Such bond shall be conditioned in substantially the same form as the ordinary bond required from the treasurer of such city, village or

town, with the necessary verbal changes to make the same applicable to the moneys and property so held by him.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 15, 1903.

No. 220, S.]

[Published May 19, 1903.]

CHAPTER 294.

AN ACT, to prevent conflict of dates of agricultural fairs, that receive specific or fixed appropriations from the state.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

No state aid to fairs, held during state fair. SECTION 1. Any agricultural fair association of the state of Wisconsin, receiving from the state a specific or fixed appropriation, in aid of its fair, that shall hold its annual fair during the same week as the Wisconsin state fair, provided the Wisconsin state board of agriculture shall have fixed and published the dates of such state fair on or before January 20th of such year, shall forfeit its appropriation from the state for such year.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 15, 1903.

No. 166, S.]

[Published May 19, 1903.]

CHAPTER 295.

AN ACT, to appropriate a certain sum of money to the normal school fund income for the enlargement and betterment of the Platteville normal school at Platteville, Wisconsin, and for furnishing and equipping the same.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Purpose of appropriation; approval of governor. SECTION 1. There is hereby appropriated from the general fund of the state out of any money not otherwise appropriated to the normal school income for the enlargement and betterment of the normal school at Platteville, Wisconsin, and for furnishing and equipping the same, the sum of thirty-five thousand dollars; the said sum to be paid as soon as practicable after the collection of taxes and said money to be expended in such manner and at such times for the purpose aforesaid, as in the judgment of the board of regents of the normal schools shall seem best; provided, that no plan or plans shall be adopted and no contract or contracts shall be entered into by said regents for the enlargement and betterment of said normal school and for furnishing and equipping the same until such plans and contracts with estimates of the total costs thereof shall have been submitted to and in writing approved of by the governor of the state, who shall withhold such approval until he shall satisfy himself by a personal examination of the same and by such other means as he in his discretion may adopt, that such enlargement and betterment of said normal school and furnishing and equipping the same can and will be fully completed, furnished and equipped according to such plans or contracts for the sum of money not exceeding the amount hereby appropriated for such particular purpose.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 15, 1903.

No. 379, S.]

[Published May 19, 1903.

CHAPTER 296.

AN ACT, amendatory of chapter 50 of the private and local laws of Wisconsin for the year 1853, entitled "An act to incorporate the cemetery association of Whitewater."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Chapter 50 of the private and local laws of 1853 is hereby amended by striking out the whole of section 3, as it now appears in said chapter 50, and inserting in its place and to hereafter be and appear as section 3 the following:

General officers; term; directors. Section 3. The general officers of the association shall be a president, secretary and treasurer who shall hold their respective offices for the term of one year and until their successors are chosen. The said officers together with three trustees, to be elected and hold their offices as hereinafter provided, shall constitute a board of directors who shall have the control and management of the affairs of the association.

Trustees. Subdivision 1. At the annual meeting of the association to be held on the second Tuesday of December, A. D. 1903, three trustees shall be elected and immediately after such election the president and secretary of the association shall divide the said trustees, by lot, into three classes who shall hold their offices for one, two and three years respectively.

Annual meeting. Subdivision 2. The election of officers and trustees to supply the places of those whose term of office expires shall be held annually on the day set for the annual meeting of this association and the trustees elected at any election after the said election to be held on the said second Tuesday of December, A. D. 1903, shall hold their office for the term of three years and until their successor shall be chosen.

Elections. Subdivision 3. The officers and trustees herein provided for shall be chosen from among the proprietors of

lots in the said cemetery and shall be elected by the members of the association at their annual meetings.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 15, 1903.

No. 338, S.]

[Published May 19, 1903.

CHAPTER 297.

AN ACT, to refund inheritance taxes received by the state and the several counties under the provisions of chapter 355, laws of 1899, and chapter 245, laws of 1901, which acts have been declared unconstitutional and void by the supreme court of the state and making an appropriation therefor.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Purpose of appropriation. SECTION 1. The amount of fifty-nine thousand seven hundred and sixty-seven dollars and fourteen cents received by the state from executors, administrators, trustees and other persons as inheritance taxes under chapter 355, laws of 1899, and chapter 245, laws of 1901, shall be repaid without interest to the executors, administrators, trustees or other persons legally entitled thereto in the mode herein provided.

There is hereby appropriated out of any money in the general fund of the state, not otherwise appropriated, a sufficient sum to repay the taxes so received by the state.

Amounts due counties; duty of county treasurer. SECTION 2. The amount received by the state as inheritance taxes shall be repaid to the county treasurers of the counties hereinafter named and in sums to the treasurer of each county named as follows:

Columbia, one hundred and eighty-six dollars and eighty-seven cents.

Dane, one thousand three hundred and sixty-seven dollars and seventy cents.

Dodge, six thousand four hundred and fourteen dollars and ninety-eight cents.

Dunn, six thousand one hundred and eighty-six dollars and eighty-nine cents.

Fond du Lac, one hundred and fifty-one dollars and eighty-seven cents.

Grant, four hundred and eighty-seven dollars and eighty-two cents.

Green, three hundred and ninety-one dollars and two cents.

Green Lake, two hundred and eleven dollars and ninety-nine cents.

Iowa, one thousand and ninety-seven dollars and ninety-one cents.

Jefferson, three thousand three hundred and seventy-eight dollars and fifty cents.

Juneau, two hundred and sixty-eight dollars and sixty-five cents.

Kenosha, nine hundred and eighty-two dollars and eighteen cents.

Kewaunee, three hundred and thirty-seven dollars and nine cents.

La Crosse, one thousand two hundred and sixty-one dollars and forty-three cents.

Lafayette, six hundred and ninety-nine dollars and eighteen cents.

Lincoln, eighty-five dollars and eighty cents.

Marathon, eighty-eight dollars and sixty-three cents.

Marinette, four hundred and fourteen dollars and one cent.

Milwaukee, eight thousand and fifty-nine dollars and two cents.

Oneida one hundred and thirty-seven dollars and sixty-one cents.

Racine, four thousand three hundred and forty-six dollars and sixty-six cents.

Richland, two hundred and twenty-three dollars and thirteen cents.

Rock, one thousand one hundred and eighty-five dollars and twelve cents.

Sauk, one thousand three hundred and sixty-eight dollars and fifty cents.

Sawyer, one hundred and twenty-one dollars and thirteen cents.

Walworth, seven hundred and sixty-seven dollars and one cent.

Waukesha, three thousand seven hundred and twenty dollars and seventy-three cents.

Winnebago, fifteen thousand eight hundred and twenty-five dollars and seventy-one cents.

Each county treasurer shall file with the secretary of state an application for the sum above named for his county and upon executing a receipt therefor in such form as the secretary of state may prescribe, the secretary of state shall draw his warrant on the state treasurer in favor of the county treasurer for the sum named, and the state treasurer shall pay the sum to the county treasurer.

Every county treasurer shall receive the sum paid him by the state treasurer by virtue of his office as such county treasurer in trust for the persons who are legally entitled to a repayment of inheritance taxes under this act.

Repayment by county. SECTION 3. Any county which has received and retained any inheritance tax from any executor, administrator, trustee or other person under chapter 355, laws of 1899, and chapter 245, laws of 1901, shall, out of any funds in the county treasury, repay the amount so received and retained, to the executor, administrator, trustee or other person legally entitled thereto in the mode herein provided.

Report of secretary of state to county judge; evidence. SECTION 4. The secretary of state is required to report to the judge of the county court of each county from which inheritance taxes have been received under the provisions of chapter 355, laws of 1899, and chapter 245, laws of 1901, stating the names of the executors, administrators or trustees of estates of decedents or other persons from whom such taxes have been received by the state, the amount thereof and such other facts as appear of record in his office which may be essential to determine the persons entitled to a refund of such taxes.

The said report of the secretary of state and the records and files of the county court ascertaining and determining the amount of inheritance taxes pursuant to the provisions of chapter 355, laws of 1899, and chapter 245, laws of 1901, may be received as evidence on the hearing for a refund of such taxes.

Powers of county court. SECTION 5. The county court shall have jurisdiction to hear and determine the rights of executors, administrators, trustees or other persons to the repayment of the tax and may issue citations, direct the manner of

service, and take the necessary proceedings according to the usual practice of the court for the hearing and determination of all questions relating to the repayment of such tax.

The county court is empowered to appoint such executors, administrators, trustees or guardians as may be necessary to receive and account for the money refunded and to fix the amount of the bond to be executed by them.

Petition of executor, etc.; contents, receipt. SECTION 6. Any executor, administrator, trustee or person who has paid an inheritance tax or in whose interest the same has been paid, may file in the county court in the county in which the tax was ascertained and adjudicated, a verified petition showing the name of the decedent, the person paying such tax, and the amount thereof, including the portions paid to and retained by the county and state, the names and postoffice address of all persons entitled to a repayment of the tax or known to have a claim or interest therein. Such petition shall set forth the facts necessary to a full determination of the rights of all the parties in the money to be repaid.

When duplicate receipts shall have been executed pursuant to section 3 of chapter 355, laws of 1899, one or both of such receipts shall be annexed to the petition or the failure to do so satisfactorily accounted for.

Duty of county court. SECTION 7. The county court upon the filing of the petition by any executor, administrator or trustee of an estate, who is still acting in the same capacity and who has paid an inheritance tax, may proceed forthwith to hear the evidence and if satisfied from the proof that any such executor, administrator or trustee is entitled to a repayment of the tax, may enter judgment accordingly.

Notice, in what cases. SECTION 8. On filing a petition for a repayment of an inheritance tax in all cases not provided for in the last section, the county court or the judge thereof shall fix a time for the hearing of such petition and notice of the time fixed for such hearing shall be given to all persons interested in the money to be repaid, by publication of such notice once in each week for three successive weeks prior to such hearing in a newspaper published in said county, designated by the county court, or the judge thereof in the order of hearing.

Hearing, how had; issue, costs. SECTION 9. The county court at the time fixed for such hearing, or any adjournment,

thereof, shall hear the parties interested or claiming an interest in the money to be refunded, and any evidence which may be offered. The county treasurer may appear and be heard as to the amount of money in his hands subject to be refunded.

If a controversy shall arise in respect to the distribution of the money, the court may direct an issue to be made up by appropriate pleading, which issue shall be tried by the court without a jury.

The court shall thereupon enter judgment, determining the rights of the respective parties to a repayment of the entire tax, including the portion refunded by the state, and the part refunded by the county, which shall be separately stated, and fix the amount of the money to be paid to each person.

In contests between parties tried upon an issue made up as aforesaid, the county court may award costs as prescribed in section 4041 of the statutes of 1898.

Appeal, how taken. SECTION 10. Any party aggrieved by the judgment of the county court may appeal therefrom to the circuit court as provided in sections 4031 and 4032 of the statutes of 1898. But such appeal must be taken and perfected by filing in the circuit court a certified copy of the record, notice of appeal, undertaking and proof of service within thirty days from the entry of the judgment and not thereafter.

When no appeal taken. SECTION 11. After the time for an appeal has expired and no appeal has been perfected, the county court, or the judge thereof, upon application, shall deliver to any party who is entitled to a repayment of the tax, a certified copy of the judgment, and the county treasurer of the county shall, upon filing the same, pay to the respective parties therein mentioned the amount adjudged to each as his share of the inheritance tax received and retained by the state and county, and take his receipt therefor, which shall be a proper voucher in the settlement of his account as county treasurer.

Duty of county treasurer; time of filing petition; money unclaimed. SECTION 12. Each county treasurer shall account for and pay over to his successor in office the balance of any money in his hands received under this act.

Petitions for repayment of inheritance taxes shall be filed in the county court within two years after this act takes effect and not thereafter.

All such money remaining in the hands of any county treasurer after the time for filing a petition has expired, shall be-

long to and be accounted for as a part of the funds of the county.

SECTION 13. This act shall take effect and be in force from and after its passage and publication.

Approved May 15, 1903.

No. 349, S.]

[Published May 19, 1903.

CHAPTER 298.

AN ACT, amendatory of chapter 143 of the statutes of 1898, relating to liens and creating a new section of the statutes of 1898, to be numbered and designated as section 3315a, and adding the same to said statutes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. A new section is hereby created and added to the statutes of 1898, which shall be numbered, designated and read as follows:

Lien valid notwithstanding stipulation. Section 3315a. The lien given by section 3315 of these statutes shall be valid, any stipulation contained in the contract between the owner and the principal contractor to the contrary notwithstanding.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 15, 1903.

No. 277, S.]

[Published May 19, 1903.]

CHAPTER 299.

AN ACT, amendatory of chapter 218 of the laws of 1899, relating to the district court of Milwaukee county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Service of complaint and warrant; fine and costs, how collected.

SECTION 1. Chapter 218 of the laws of Wisconsin for the year 1899 is hereby amended by adding to the end of section 17 of said chapter 218, the following provision: Whenever any corporation shall be charged with the violation of any ordinance of the city of Milwaukee, and complaint charging such violation shall be filed with the clerk of said court, and a warrant shall have been issued thereon, copies of said complaint and warrant shall be served in the same manner as is provided for the service of summons in civil cases; and which said warrant shall contain a notice to the defendant corporation that said proceeding will be heard before said court at a certain time, which time shall be not less than forty-eight hours after the filing of said complaint with said clerk. After such service, return shall be made upon such warrant by the officer making such service, setting forth the manner of service; and when said warrant has been so returned, the proceedings thereon shall be the same as is now provided where the defendant charged is an individual, except that where the court shall render a judgment of conviction and shall sentence the said corporation to a certain fine and costs of said prosecution, or only the costs of said prosecution, as the case may be, then there shall be duly entered and docketed by said clerk a judgment against said corporation for the amount of said fine and costs, or costs only, as the case may be, and the collection of which judgment may be enforced by levy and sale on execution in the same manner as is provided for the enforcement and collection of judgments of civil courts in this state by execution.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 15, 1903.

No. 58, S.]

[Published May 19, 1903.]

CHAPTER 300.

AN ACT, amendatory of section 3363 of the statutes of 1898, relating to the service of summons in case of tenants holding over.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Service of summons; by publication. SECTION 1. Section 3363 of the statutes of 1898 is hereby amended by adding at the end thereof the following: "In case there is no person residing on the demised premises, and the person against whom the summons is issued, cannot be found in the county, then the officer having the summons for service shall make return of such facts on said summons on or before the return day mentioned therein and if the defendant does not appear before said justice within the hour after the summons is made returnable, then the justice shall enter an order in his docket requiring the plaintiff to publish in a newspaper to be designated by said justice if there be one printed in the county, and if there be none, then to post up, at least ten days before the adjourned day, in three of the most public places therein, a notice to the defendant, that a complaint in writing has been filed with said justice for the removal of said defendant from the premises, describing them, and that a summons has been issued thereon as provided by section 3362 of the statutes of 1898, and that unless he appear before said justice at a time and place mentioned in said order and notice, not less than fourteen nor more than thirty days from the date of said order, judgment will be rendered against him as prayed for in the complaint in said action; and the justice shall thereupon continue the cause to the time and place mentioned in said order. Such notice shall be published at least once in each week for two successive weeks before the day to which the action has been adjourned, proof of such publication or posting to be filed with said justice at or before said adjourned day," so that said section when so amended shall read as follows: Section 3363. Such summons shall be served upon the person against whom the same is issued by delivering a copy thereof to such person at least three days before the return day thereof; but in case such person is either

absent from or cannot be found in the county, the summons may be served on such person by leaving a copy thereof at his last and usual place of abode, at least six days before the return day thereof, with some member of the family, or some person residing at such place, of suitable age and discretion, to whom the contents thereof shall be explained by the officer. The officer shall make a special return of the time and manner of serving such summons. In case there is no person residing on the demised premises and the person against whom the summons is issued cannot be found in the county, then the officer having the summons for service shall make return of such facts on said summons on or before the return day mentioned therein, and if the defendant does not appear before said justice within the hour after the summons is made returnable, then the justice shall enter an order in his docket requiring the plaintiff to publish in a newspaper to be designated by said justice, if there be one printed in the county, and if there be none, then to post up, at least ten days before the adjourned day, in three of the most public places therein, a notice to the defendant, that a complaint in writing has been filed with said justice for the removal of said defendant from the premises, describing them, and that a summons has been issued thereon as provided by section 3362 of the statutes of 1898, and that unless he appear before said justice at a time and place mentioned in said order and notice, not less than fourteen nor more than thirty days from the date of said order, judgment will be rendered against him as prayed for in the complaint in said action; and the justice shall thereupon continue the cause to the time and place mentioned in said order. Such notice shall be published at least once in each week for two successive weeks before the day to which the action has been adjourned, proof of such publication or posting to be filed with said justice at or before said adjourned day.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 15, 1903.

No. 500, A.]

[Published May 19, 1903.]

CHAPTER 301.

AN ACT, relative to the establishment of a municipal court in and for the county of Dunn.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Municipal court created; seal for court; effect of. SECTION 1. A municipal court in and for the county of Dunn is hereby established, under the name of The Municipal Court of Dunn county, with the powers and jurisdictions hereinafter specified and provided. Said court shall have a seal with suitable device to be procured under the direction of the judge of said court at the expense of Dunn county, and all papers, depositions, certificates, acknowledgments, communications and other documents, accepted and signed by said judge, when sealed with the seal of said court shall be evidence in all courts and places in this state and shall have the same effect as the seal of all courts of record.

Civil and criminal jurisdiction of; judgment by confession. SECTION 2. Said municipal court and the judge thereof shall take cognizance of and shall have jurisdiction to hear, try and determine all actions and proceedings at law, wherein the amount of the debt, damages and demand and penalty of forfeiture shall not exceed the amount of five hundred dollars; all actions to recover the possession of personal property, with damages for the unlawful taking or detention thereof, wherein the value of the property claimed shall not exceed the sum of five hundred dollars; all actions arising under charter 145 of the statutes of 1898, when the amount claimed shall not exceed five hundred dollars; all charges for criminal offenses, including bastardy, arising within said county which are not punishable by commitment to state prison, and all offenses arising under the charter and ordinances of all duly incorporated cities and villages within said county; said judge shall have power and jurisdiction throughout the county to cause to be brought before him all persons who may be charged with having committed any criminal offense and to issue process therefor and to com-

mit them to jail or require bail, as the case may require; he shall have the jurisdiction, authority, powers and rights given by law to justices of the peace, provided, however, that nothing herein contained shall be construed to give said municipal judge cognizance of or jurisdiction over any action mentioned in subdivisions 1, 2 and 3, of section 3573 of the statutes of 1898. The general provisions of law relative to civil and criminal actions by justices of the peace, shall apply to the said court so far as applicable, and all appeals, civil and criminal, from said court, may be taken in the same manner and with like effect as is provided by law for appeals from judgments of justices of the peace. On and after the appointment of the municipal judge, as herein provided, no justice of the peace in said county shall have jurisdiction over any criminal examination, trial and proceeding, including bastardy, provided, however, that said justice of the peace may issue warrants returnable to said municipal court of said county; but nothing in this act shall be construed as in any manner affecting the right of jurisdiction of any justice of the peace to hear, try and determine any criminal proceeding or any action for the violation of any city or village ordinance now pending in such court, or which may be commenced before the judge of said municipal court shall enter upon the duties of his office; in addition to the jurisdiction as aforesaid, a judgment of confession may be entered by the judge of said court in any sum not exceeding one thousand dollars, without action, whether for money due or to become due or to secure any person against a contingent liability on behalf of the defendant, or both, if the statement be made in writing signed by the defendant and provided on his oath to the following effect:

First. It must state the amount for which judgment may be entered and authorizing the entry of the judgment therefor by the judge of said court.

Second. If it be for money due or to become due, it shall state concisely the fact or facts out of which the indebtedness arose and must show that the amount confessed is justly due or to become due.

Third. If it be for the purpose of securing the plaintiff against a contingent liability, it must state concisely all facts constituting a contingent liability and must show that the amount confessed does not exceed the same.

Election of judge; term, vacancy. SECTION 3. On the first Tuesday in April, 1904, and every four years thereafter, there shall be elected in the county of Dunn in the same manner as

county judges are elected, a municipal judge who shall hold his office for a term of four years from the first Monday of May next following his election, and until his successor is elected and qualified, and in case of a vacancy occurring in the office of the said municipal judge, such vacancy shall be filled by appointment by the governor of this state, and the person so appointed shall continue in office for the residue of the term for which his predecessor was elected or appointed; provided, however, that upon the passage and publication of this act, the office of the judge of said court shall be deemed vacant and shall be filled by appointment by the governor within thirty days thereafter, and the person thus appointed shall hold office until the first Monday in May, A. D. 1904, or until his successor is elected and qualified.

Judge to be an attorney; oath and bond. SECTION 4. No person shall be elected to this office of the judge of said municipal court, except an attorney of a court of record in this state, and the said judge shall hold no other county office during the term for which he was elected or appointed. The said judge shall, before entering upon the duties of his office, take and subscribe the constitutional oath of office and file the same with the clerk of the circuit court of Dunn county, and execute to the said county a bond in the sum of one thousand dollars, with two or more sureties to be approved by the county treasurer of said county, conditioned upon the faithful performance of the duties of said office and the faithful accounting of all moneys, properties and effects which may come into his hands by authority of the said office, and shall record and file the same as provided by section 702 of the statutes of 1898.

Court, where held; temporary disability of judge. SECTION 5. The judge of said municipal court shall hold his office at the county seat of Dunn county in a suitable room, furnished, cared for and provided for such purpose by said county. In case of sickness, absence or temporary disability, the said municipal judge may, by order in writing, to be filed in said court, appoint the county judge, a court commissioner, or any justice of the peace in said county, to discharge the duties of such municipal judge during such sickness, absence or disability, who shall have the powers of such judge when administering said office and shall be entitled to receive as compensation the per diem provided for as hereinafter stated.

Judge to have court commissioner's powers. SECTION 6. The municipal judge of Dunn county shall be ex-officio court commissioner and shall have and may exercise all the powers conferred upon commissioners by section 2434 of the statutes of 1898 of this state, and every authority granted to and limitations of the powers of a court commissioner by the laws of this state shall be construed to extend to said municipal judge acting in such capacity, except when otherwise expressly provided, and the official designation of said court when so acting shall be "Municipal Judge of Dunn County."

Fees and salary of judge. SECTION 7. The municipal judge shall have and receive the same fees in all civil actions as are now allowed by law to justices of the peace, and is empowered to tax the same. For his services in conducting criminal trials and examinations, he shall receive a salary at the rate of five hundred dollars per annum, payable monthly out of the county treasury of Dunn county, in the same manner as salaries of other county officers are paid, to and until the first regular meeting of the county board of supervisors of Dunn county, next after the passage and approval of this act, and thereafter said county board shall fix the amount of his salary as such judge, which shall be paid out of the county treasury of Dunn county, as aforesaid in the same manner as the salaries of other county officers are paid, and the said salary to be in full for all services in conducting criminal trials and examinations, but in all criminal actions and proceedings he shall tax the same fees, as justices of the peace are now allowed to tax. He shall pay into the county treasury all the fines, costs and fees received by him in any criminal matter or proceeding. On the first day of November of each year he shall file with the county clerk a statement under oath of the fees by him paid to the county treasury.

Proceedings in lieu of change of venue. SECTION 8. No action, examination or other proceedings shall be removed from said court, except as hereinafter provided; if prior to joining issue in any case and prior to any examination or other proceeding, it shall appear by affidavit that the municipal judge is a material witness or is in any way related to either of the parties, or from prejudice the municipal judge will not decide impartially in the matter, the said municipal judge shall notify the county judge or some justice of the peace or court commissioner in said county not disqualified to hear said examination, trial or other proceeding, whereupon it shall be the

duty of the said justice or county judge or court commissioner to forthwith appear at the court room of the said municipal court, and discharge the duties of the judge of said court on the trial of said case or the hearing of said examination or other proceeding, as the case may be, with like effect, as the said municipal judge would if not disqualified to act, provided, however, that in matters or proceedings of which justices of the peace have not jurisdiction, the county judge or court commissioner shall be called to preside over said court. The magistrate so acting in any of the said matters or proceedings shall receive as full compensation therefor the sum of two dollars for each half day he shall actually or necessarily spend in said trial, examination or other proceeding; if said trial or examination shall be for a criminal offense he shall be paid out of the county treasury in the same manner as justices of the peace are now paid, and in case of civil actions he shall be paid by the municipal judge.

Service of process. SECTION 9. The sheriffs and constables of Dunn county shall be officers of said court and may serve its processes and carry into effect its lawful orders and judgments and shall be entitled to the same fees as are allowed constables in justice courts, and shall be subject to the same liabilities and penalties.

Reporter, compensation of. SECTION 10. The municipal judge may, in his discretion, on the written request of either party to a civil action, or on like request by the district attorney in a criminal case or examination, call in a stenographic reporter, skilled in the art of shorthand, to take the testimony in such action or proceeding and may file the said reporter's notes in lieu of the testimony required by law to be taken by justices of the peace in like proceedings. In case of appeal in any civil action or proceeding, when so requested by the appellant, said reporter shall transcribe said testimony in long hand and the fees for such transcribing, not to exceed five cents per folio, shall be taxed as a part of the judge's fees in the case. Said reporter shall receive such compensation for taking testimony as shall be allowed by the said municipal judge, not to exceed four dollars for each day, and two dollars for each half day actually engaged in taking testimony to, and until the first regular meeting of the county board of supervisors of Dunn county, and said reporter shall thereafter have and receive such compensation as shall be then fixed by the said county board, and it shall be the duty of the said board to fix the compensa-

tion of the said stenographic reporter at said time. In said civil actions and proceedings, said compensation shall be fixed as a part of the costs in lieu of the fees now allowed to justices of the peace for taking testimony, and in criminal proceedings the same shall be paid out of the county treasury upon a certificate of the municipal judge. Section 2439 of the statutes of 1898 shall apply to said reporter of such court.

Separate civil and criminal dockets; stationery, etc., who to furnish. SECTION 11. The judge of the said municipal court shall keep one docket for criminal trials, proceedings and examinations, and a separate docket for all civil actions and proceedings, and all docket entries and all processes shall be made, kept and filed in the same manner as far as practicable, as is now required of justices of the peace. All necessary blanks, dockets and stationery for the proper conduct of the said court shall be furnished by the county of Dunn. All documents and records of the said municipal court shall be public records and open to the inspection of all persons at reasonable hours.

Attorney's fees. SECTION 12. In all actions in the said municipal court, attorney's fees shall be allowed to the prevailing party as is provided in sub-division 4 of section 3775 of the statutes of 1898.

Trial by jury. SECTION 13. Trial by jury may be had in said municipal court in the same manner as is now provided for courts of justices of the peace.

SECTION 14. This act shall take effect and be in force from and after its passage and publication.

Approved May 18, 1903.

No. 613, A.]

[Published May 19, 1903.

CHAPTER 302.

AN ACT providing for an additional clerk for the bureau of labor and industrial statistics.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Salary of additional clerk. SECTION 1. The commissioner of labor shall have power to appoint an additional clerk who shall serve under his direction and whose salary shall be one thousand dollars (\$1,000), to be paid out of the general fund not otherwise appropriated.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 18, 1903.

No. 621, A.]

[Published May 19, 1903.

CHAPTER 303.

AN ACT to amend subdivisions 2 and 26 of section 5, of the statutes of 1898, relating to county boundaries.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Ashland. SECTION 1. Subdivision 2, of section 5, of the statutes of 1898, is hereby amended so as to read as follows: 2. Ashland. Beginning at the southwest corner of township forty-one north, of range four west, of the fourth principal meridian, and running thence north on the range line between ranges four and five west, to the south end of Long Island Bay, on Lake Superior; thence northerly along the center of said bay to the center of the channel known as the Bay of La Pointe; thence

northerly, following the center of the watercourse between the main land and the Apostle Islands, and passing east of Raspberry Island, to the state line; thence easterly and northerly along the state line, to the center of Lake Superior; thence southwesterly to the northwest corner of township number forty-seven north, of range number one west; thence south on the range line between ranges number one and two west, to the southwest corner of township number forty-four north of range number one west; thence east along the township line to the southeast corner of said township number forty-four north, of range number one west; thence south on the range line to the southwest corner of township number forty-three north, of range number one east; thence east along the township line to the southeast corner of said township forty-three north, of range number one east; thence south along the range line to the southeast corner of township number forty-one north, of range number one east; thence west on the township line to the place of beginning.

Iron. SECTION 2. Subdivision 26, of section 5, of the statutes of 1898, is hereby amended so as to read as follows: 26. **Iron.** Commencing at the mouth of the Montreal river, thence to the center of Lake Superior along the state line; thence southwesterly to the northwest corner of township number forty-seven north, of range number one west; thence south on the range line between ranges number one and two west, to the southwest corner of township number forty-four north, of range number one west; thence east, along the township line, to the southeast corner of said township number forty-four north, of range number one west; thence south on range line, to the southwest corner of township number forty-three north, of range number one east; thence east along the township line to the southeast corner of said township number forty-three north, of range number one east; thence south, along the range line, to the southeast corner of township number forty-one north, of range number one east; thence east, along the township line, to the southeast corner of township number forty-one north, of range number four east; thence north on the range line between ranges number four and five east, to the state line; thence northwesterly along the state line to the center of the Montreal river, and following center line of said river to the place of beginning.

SECTION 3. All acts or parts of acts inconsistent or in conflict herewith are hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved May 18, 1903.

No. 643, A.]

[Published May 19, 1903.

CHAPTER 304.

AN ACT authorizing the erection of monuments in the National Park at Vicksburg, Mississippi, in accordance with the recommendations of the commission heretofore appointed and appropriating a sum of money to carry out the provisions of this act.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Commission; who may be appointed; expenses. SECTION 1. The governor of the state of Wisconsin is hereby authorized to appoint a commission on or before the fifteenth day of July, 1903, consisting of three members, all of whom shall have participated in the siege and capture of Vicksburg, one of such number of whom shall have been under General Sherman's command on the right, one of such number of whom was in that part of the army that occupied the center of the line, and one of such number of whom was in the left wing of the army so engaged in the siege and capture of Vicksburg. The duties of said commission shall be to select and have erected monuments upon the positions occupied by Wisconsin troops on the siege line of Vicksburg and at such other positions adjacent thereto as such commission shall select. The said commission thus appointed shall serve without compensation, provided, however, that the expenses and necessary disbursements incurred by said commission in the performance of their duties as such commissioners shall be paid, upon presentation to the secretary of state of proper vouchers, out of any moneys hereafter appropriated by the provisions of this act.

\$30,000 appropriated. SECTION 2. For the purposes of erecting suitable monuments upon the grounds occupied by the several regiments and batteries of Wisconsin troops that par-

icipated in the siege and capture of Vicksburg, now a national park, and in commemoration of the valor of the Wisconsin troops engaged in said siege and capture from the nineteenth of May to the fourth of July, 1863, or at such other points adjacent thereto as said commission shall select, and to defray the expenses of said commission heretofore referred to, there is hereby appropriated out of any money in the treasury not otherwise appropriated, the sum of thirty thousand dollars.

Report. SECTION 3. The commission to be thus appointed shall report in writing to the governor upon the thirty-first day of December of each year and shall make a final report covering the entire work done, upon the completion of their labors.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved May 18, 1903

No. 25, A.]

[Published May 19, 1903.

CHAPTER 305.

AN ACT amendatory of section 7 of chapter 301 of the laws of Wisconsin for the year 1899, entitled "An act amending chapter 107 of the Wisconsin statutes of 1898, relating to marriages."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Fee for authorizing marriage without license. SECTION 1. Section 7 of chapter 301, of the laws of 1899, is hereby amended by adding to the end of said section the following: "The judge or court making such order shall not receive any compensation therefor from the county, except that where the order is made by a county judge or a county court, the judge may charge the party applying for such order the sum of two dollars," so that said section when so amended shall read as follows: Section 7. Upon application of either of the parties to a proposed marriage, any county judge, court of record or presiding judge thereof, in his discretion, by order may au-

thorize the marriage without such license, or the delay of five days after the issuing of such license. Such order shall be delivered to the person performing the ceremony and by him returned in place of or in connection with the license to the register of deeds, or register of vital statistics. The judge or court making such order shall not receive any compensation therefor from the county, except that where the order is made by a county judge or county court, the judge may charge the party applying for such order the sum of two dollars."

Conflicting laws repealed. SECTION 2. All acts or parts of acts conflicting or inconsistent herewith are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved May 18, 1903.

No. 382, A.]

[Published May 19, 1903.]

CHAPTER 306.

AN ACT amendatory of chapter 99 of the statutes of 1898, by adding thereto a new section to be known, numbered and designated as section 2196a, and providing for the surrender of possession of the leasehold premises in certain cases.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Lessee may surrender premises, when. SECTION 1. Chapter 99 of the statutes of 1898 is hereby amended by adding thereto a new section to be numbered and to read as follows: Section 2196a. Where any building, which is leased or occupied, is destroyed or so injured by the elements, or any other cause as to be untenable, and unfit for occupancy, and no express agreement to the contrary has been made in writing, the lessee or occupant may, if the destruction or injury occurred without his fault or neglect, quit and surrender possession of the lease-

hold premises, and of the land so leased or occupied; and he is not liable to pay to the lessor or owner, rent for the time subsequent to the surrender.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 18, 1903.

No. 37, A.]

[Published May 19, 1903.

CHAPTER 307.

AN ACT amendatory of section 698, of the statutes of 1898, relating to the elections and terms of county officers; also providing for and creating the office of superintendent of schools for each superintendent district in the state of Wisconsin, the term of said office, the time and manner of election thereto, the compensation of such officer and conferring certain power upon county boards of supervisors.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Election of county officers, when held; superintendent of schools. SECTION 1. Section 698, of the statutes of 1898, is hereby amended so as to read when amended, as follows: Section 698. At the general election in the year one thousand nine hundred and four and biennially thereafter, there shall be elected in each county for a regular term, the following county officers, viz.: A county clerk, treasurer, sheriff, coroner, clerk of circuit court, district attorney, register of deeds and surveyor. The regular term of office of all such officers shall commence on the first Monday of January next succeeding their election and continue two years; but each such officer, including those now in office, shall hold his office until his successor is qualified. A superintendent of schools shall be chosen by the qualified electors of each superintendent district in the state of Wisconsin, at the election to be held on the first Tuesday in April in the year one thousand nine hundred and five and bi-

ennially thereafter, and said officer shall hold his office for the term of two years from the succeeding first Monday of July. The county or district superintendent chosen at the general election in November, A. D. 1902, or thereafter appointed, shall hold and continue in office as such, until the first Monday in July, A. D. 1905, and their successors shall be chosen as hereinbefore prescribed at the election in April, A. D. 1905. The superintendent of each district shall hold his office until his successor is elected and qualified. The county board of supervisors of every county, at the annual meeting next preceding the election of such superintendent or superintendents, shall fix the amount of salary which shall be received by the superintendent of schools of each superintendent district within said county except the city superintendent of schools of any city, and may allow such actual and necessary traveling expenses within and without the county, as may be reasonable and just; the same to be audited, allowed and paid in the same manner as other claims against the county are audited, allowed and paid.

Conflicting laws repealed. SECTION 2. All acts and parts of acts in any manner conflicting or inconsistent with the provisions of this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved May 18, 1903.

No. 666, A.]

[Published May 20, 1903.]

CHAPTER 308.

AN ACT to authorize the construction and maintenance of so much of a dam as may be within the limits of the state of Wisconsin, to be located on certain lands in the county of Marinette and state of Wisconsin, and extending thereon and therefrom, in and across the Menominee river to and upon certain lands in the county of Dickinson and state of Michigan.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Location of dam; slide or chute. SECTION 1. Subject to the consent thereto of Menominee River Boom company, as hereinafter provided, Powell Stackhouse of Philadelphia, Pennsylvania, his associates and their heirs and assigns, are hereby authorized and empowered to construct and maintain so much of a dam as may be within the limits of the state of Wisconsin, to be located on lot two, or lot three, or partly on lot two and partly on lot three, of section twenty-two, in township thirty-eight north, of range twenty-one east, in the county of Marinette and state of Wisconsin, and extending thereon and therefrom in and across the Menominee river to and upon lot three of section twenty-seven, in township thirty-nine north, of range twenty-nine west, in the county of Dickinson and state of Michigan, and to make use of the hydraulic power furnished by said dam as he or they may from time to time see fit. The aforesaid persons, their heirs or assigns, shall build a suitable slide or chute in said dam, of sufficient width for running logs and other products of the forest, and shall keep said slide or chute in repair.

Consent must be secured. SECTION 2. Before proceeding to construct said dam, and as a condition of constructing the same, said Powell Stackhouse, his associates, and their heirs and assigns, shall obtain the consent thereto of the Menominee River Boom company, a corporation under the laws of Wisconsin and Michigan. Such consent shall be evidenced and authenticated by a certificate in writing, in duplicate, signed

by the president and secretary of said company, and sealed with its corporate seal, stating the fact of such consent, and the date when the same was given. One of such certificates shall be filed and recorded in the office of the register of deeds of the county of Marinette and state of Wisconsin, and the other shall be filed and recorded in the office of the register of deeds of the county of Dickinson and state of Michigan.

How constructed. SECTION 3. Said Powell Stackhouse, his associates, their heirs and assigns, shall erect and maintain above said dam in said Menominee river, such piers, booms, structures and other appliances as may be necessary for the passage of logs and other forest products over said dam and through said slide or chute to be provided therefor. Said dam and the slide or chute and gates of the same, and said booms, piers, structures and other appliances shall belong to the said Powell Stackhouse and his associates, their heirs and assigns, and be under their control, subject always to the provisions of this act relative to the running and driving of logs and other forest products over said dam, and to the supervisory control of the said Menominee River Boom company so far as it may be necessary or expedient in the conduct of its business, and in the exercise of its rights and franchises on said river. Said slide or chute in said dam shall be kept open and available at all times when there are logs or other forest products ready to be run over said dam. And said slide or chute, and the gates, booms, piers, structures or other appliances aforesaid, shall be so maintained and used by said Powell Stackhouse, his associates, their heirs or assigns, as not to unnecessarily obstruct, hinder or delay the navigation and use of said Menominee river for the driving of logs and other forest products therein.

Fishway. SECTION 4. Said dam so erected shall be provided with a good and sufficient fishway to be approved by the state board of commissioners of fisheries, and said fishway shall at all times be kept in good repair and open for the free and easy passage of fish up and down said dam. In case the owner, or owners, of said dam shall neglect or refuse to construct or keep in repair or keep open such fishway, as required by the provisions of this act, they shall, upon conviction thereof, be fined not less than twenty-five dollars nor more than one hundred dollars.

Legislative rights reserved. SECTION 5. The power to alter, amend or repeal this act is hereby reserved.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved May 18, 1903.

No. 178, A.]

[Published May 20, 1903.

CHAPTER 309.

AN ACT amendatory of section 789 of the statutes of 1898, relating to special town meetings.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Record of request and notice of meeting. SECTION 1. Section 789 of the statutes of 1898 is hereby amended by striking out the words, "not less than fifteen nor more than twenty days," where the same occur in the fourth line of said section and inserting in lieu thereof the words, "at least three weeks, and not more than four weeks;" so that said section when so amended shall read as follows: Section 789. The town clerk with whom any such request shall be left shall record the same and immediately cause notices to be posted up in three of the most public places in the town, giving at least three weeks, and not more than four weeks' notice of such meeting. Such notices shall specify particularly the purposes for which such meeting is to be held, and if vacancies in office are to be filled, in what office they exist, how they occurred and who were the last incumbents; and if it be in the office of justice of the peace, at what time the legal term of office will expire; and if there be a newspaper printed in such town he shall publish a copy of such notice therein at least five days before the time appointed for such meeting.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 18, 1903.

No. 383, A.]

[Published May 20, 1903.

CHAPTER 310.

AN ACT to authorize Frank J. Kipp, his heirs or assigns, to construct and maintain a dam across White river in the county of Waushara.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Location of dam; purpose. SECTION 1. Frank J. Kipp, his heirs or assigns, are hereby authorized to erect and maintain a dam across White river in the county of Waushara on a tract of land owned by him, in section number twenty-four (24), town number eighteen (18) north, range ten (10) east, and in section number nineteen (19) town number eighteen (18) north, range eleven (11) east, and to erect and maintain all necessary appendages to enable the aforesaid Frank J. Kipp, his heirs or assigns, to use said water for the purpose of creating water power, for the usual uses and purposes of such power, including its conversion into electricity for lighting, heating and power.

Height of. SECTION 2. The said dam shall not exceed forty (40) feet in height above high water mark.

May acquire title. SECTION 3. Said Frank J. Kipp, his heirs or assigns, may acquire title to, or the right to use any and all lands and property necessary or beneficial for flowage and may obtain the same by purchase, lease, license or any usual method or means of acquisition of title by act of parties.

Powers. SECTION 4. Also for the purpose of acquiring the necessary lands or rights, easements or privileges in lands necessary for flowage, so that the complete construction of said dam and improvements under this act, or any law heretofore passed, may be successfully carried out, said Frank J. Kipp, his heirs or assigns, shall have and may enjoy the rights granted to and conferred upon other corporations by sections 1777a to 1777d, both inclusive, of the statutes of 1898, and such amendments thereto as may have been or may be made. Work upon said

dam must begin within four years from the date of the passage and publication of this act.

Fishway. SECTION 5. The dam so erected shall be provided with a good and sufficient fishway to be approved by the state board of commissioners of fisheries, and said fishway shall at all times be kept in good repair and open for the free and easy passage of fish up and down said dam at all times in each and every year. In case the owner or owners of said dam shall neglect or refuse to construct or keep in repair or keep open said fishway, as required by the provisions of this act, they shall, upon conviction thereof, be fined not less than twenty-five (25) dollars nor more than one hundred (100) dollars.

Act construed. SECTION 6. No corporate powers are granted by this act.

Legislative rights reserved. SECTION 7. The right to repeal the franchise above granted to the said Frank J. Kipp, his heirs or assigns is hereby reserved.

SECTION 8. This act shall take effect and be in force from and after its passage and publication.

Approved May 18, 1903.

No. 492, A.]

[Published May 20, 1903.

CHAPTER 311.

AN ACT, to amend section 1258 of the statutes of 1898, relating to compensation of superintendents of highways.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Additional compensation. SECTION 1. Section 1258, of the statutes of 1898, is hereby amended by adding at the end of said section the following: "But any town board may, in its discretion, and shall whenever a written order therefore has been made by them at or before the time of the appointment of the superintendents of highways allow and pay to the superin-

tendents of highways in their town the excess due them, in money, out of any road and bridge moneys belonging to such town.”

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 18, 1903.

No. 688, A.]

[Published May 20, 1903.

CHAPTER 312.

AN ACT, to amend section 943, of the statutes of 1898, as amended by chapter 74 of the laws of 1901, relating to the issuing of bonds by any town, village or city.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Petition; submission to people; no bonds payable after twenty years; tax for payment; notice of election; form of ballot. SECTION 1. Section 943 of the statutes of 1898, as amended by chapter 74 of the laws of 1901, is hereby amended by adding at the end thereof the following: “Provided, however, that the provisions of this section shall not apply to the issuing of bonds by any city of this state for street improvements, school purposes, water works, sewerage, parks and public grounds, unless, within thirty days after the passage by the common council of the city of a resolution or ordinance authorizing the issuing of bonds for such purposes, there shall be filed in the office of the city clerk a petition in writing, signed by not less than ten per cent. in number of the voters who voted in said city at the last general state election, asking for a submission of the question of issuing such bonds to a vote of the people, in which case such question shall be submitted as provided for in this section. and, in case the common council of any city has heretofore, by resolution or ordinance, authorized the issuing of any bonds for said purposes, the electors of such city shall have thirty days within which to file such petition after the passage and publi-

cation of this act, so that said section, when amended, shall read as follows:

Section 943. No bonds shall in any case be issued by any town, village or city until the proposition for their issue for the special purpose thereof shall have been submitted to the people of such municipality and adopted by a majority voting thereon; or, if to be issued to aid the construction of a railroad, until the proposition for the issue thereof, shall have been accepted in one of the modes provided therefor in this chapter; nor shall any such bonds be issued payable after a period of twenty years, nor be issued until an ordinance or resolution shall have been lawfully passed directing that there shall be annually levied a tax in addition to all other taxes, sufficient to pay, when due, the interest annually to grow due on such bonds, and also to pay and discharge the principal thereof by the time the same shall be due; and every such tax shall be after the issue of such bonds, irrevocable and be annually levied and collected on all taxable property on the assessment roll of such municipality, and the money raised thereby shall be kept as a separate fund, irrevocably pledged to such purpose, and shall not be employed in any other. Unless it is otherwise provided by law, no town, city or village shall issue any bonds, except to aid the construction of a railroad, unless upon compliance with the following conditions: Whenever a town or village board or common council shall declare its purpose to raise money by issuing bonds, it shall direct, by resolution, which shall be recorded at length in the record of its proceedings, the town, city or village clerk to call a special election for the purpose of submitting the question of bonding the town, city or village, to the electors thereof. The notice of such election shall recite the purpose thereof, state the amount of the bonds it is proposed to issue, the time and place of holding the election and the hours at which the polls will be opened and closed. Such notice shall be signed by the town, city or village clerk, and be published in one or more newspapers in the town, city or village for three successive weeks prior to the election; if no newspaper be published therein, such notice shall be posted in four of the most public places in the town, city or village, at least twenty days prior to the election. Such election shall be held at the usual place or places of holding elections, unless the board or council shall, in the resolution hereinbefore provided for, designate some other place or places. The election shall be conducted by the officers who are required to conduct the regular town, city or village election, and in a similar manner as near as may be,

and the polls shall be open between such hours as are now designated respectively for such elections, and the result thereof shall be determined by them, and returned to the town, city or village clerk, who shall record the same in full, and also the notice of election given by him. The ballots shall be provided by the respective town, city or village clerk, and shall be substantially in the following form:

For Bonds.



Against Bonds.



Mark a X in the square under the one you wish to vote for.

They may have the endorsements provided by law for ballots for general election and shall be marked by the voter and counted in a similar manner; provided, no such ballot shall be counted on the question of issuing bonds unless a mark is made thereon applicable to it. And provided further, that when any such special election is held at the same time as a regular town, city or village election, then such form of ballot, instead of being separate may be printed upon the official ballot to be voted at such election. If a majority of the ballots cast shall be in favor of the issuing of bonds, the chairman and clerk of the town, the mayor and clerk of the city, or the president and clerk of the village, as the case may be, subject to the direction of the board or council, may issue bonds to the amount stated in the call, and sell or hypothecate the same for the purpose of raising money for the object stated in the notice of the election; but no bond shall be issued if a majority of the ballots cast shall be against the issue of the bonds; provided, however, that the provisions of this section shall not apply to the issuing of bonds by any city of this state for street improvements, school purposes, water works, sewerage, parks and public grounds, unless within thirty days after the passage by the common council of the city of a resolution or ordinance authorizing the issuing of bonds for such purposes there shall be filed in the office of the city clerk a petition in writing signed by not less than ten per cent. in number of the voters who voted in

said city at the last general state election, asking for a submission of the question of issuing such bonds to a vote of the people, in which case such question shall be submitted as provided for in this section; and, in case the common council of any city has heretofore, by resolution or ordinance, authorized the issuing of any bonds for said purposes, the electors of such city shall have thirty days within which to file such petition after the passage and publication of this act.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 18, 1903.

No. 584, A.]

[Published May 25, 1903.

CHAPTER 313.

AN ACT relating to the common school fund income, amending sections 1072a and 554 of the statutes of 1898, and adding two new sections to the statutes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Part of law repealed. SECTION 1. Section 1072a of the statutes of 1898 is hereby amended by striking out the first sentence and renumbering the remainder thereof, as amended by section 20 of chapter 351 of the laws of 1899, so that the same shall be section 1072b of the statutes.

School fund tax; \$200,000 appropriated. SECTION 2. There is added to the statutes a new section to be numbered and to read as follows: Section 1072a. There is appropriated annually to the common school fund income an amount equal to seven-tenths of one mill for each dollar of the assessed valuation of the taxable property in the state, as determined by a State Board of Assessment, exclusive of the property of corporations which pay license fees, or which are assessed for taxation by a state board of assessment, to be derived annually as follows: two hundred thousand dollars from the license fees, or taxes paid by said corporations, and the balance from a tax

which shall be levied on all other taxable property. The appropriation hereby made shall be taken from the license fees and taxes aforesaid accruing to the state in the month of February in each year, and the amount thereof shall be disbursed in the manner and under the conditions and restrictions provided for disbursement of the common school fund income.

Apportionment of. SECTION 3. The first two sentences of section 554 of the statutes of 1898 shall be a section of the statutes amended and numbered so as to read as follows: Section 554. The school fund income shall be apportioned by the state superintendent between the tenth and fifteenth days of December in each year. The amount to be so apportioned shall include all moneys belonging to said fund received prior to the first day of December in the same year, together with the amount thereafter to accrue to such income from the state tax levy made in the same year, and the two hundred thousand dollars to be appropriated from license fees and taxes paid by corporations in February following, under the provisions of section 1072a, and after December 1903, shall include also the interest receipts thereafter to accrue to said fund from the state tax levy of the same year or to be collected therewith as special charges. Such apportionment shall be made among the several counties, towns, villages and cities according to the number of children in each over the age of four and under the age of twenty years, as shown by the reports made to the State Superintendent for the year preceding, ending June 30th.

Sections repealed and renumbered. SECTION 4. Section 554 of the statutes of 1898 is hereby amended by striking out the first two sentences, and renumbering the remainder of such section as amended by chapter 115 of the laws of 1899, so that the same shall be section 554a.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved May 15, 1903.

No. 249, S.]

[Published May 19, 1903.

CHAPTER 314.

AN ACT to appropriate to Emily Denton Smith the sum of money therein named.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Purpose of appropriation. SECTION 1. There is hereby appropriated out of any moneys in the general fund of the state treasury not otherwise appropriated, the sum of two thousand dollars to Emily Denton Smith, the widow of George Waldo Smith, who, while in the employ of the state in the month of September, 1899, met his death, without fault or negligence on his part, by falling from the balcony of the assembly chamber to the floor beneath, while decorating the dome.

SECTION 2. This act shall take effect and be in force from and after its passage and publication:

Approved May 15, 1903.

No. 600, A.]

[Published May 28, 1903.

CHAPTER 315.

AN ACT, to provide for the taxation of railroad companies and making an appropriation therefor.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Tax commission and assistants constituted state board of assessment; secretary. SECTION 1. That the commissioner of taxation, the first assistant commissioner of taxation and the second assistant commissioner of taxation shall be ex-officio a state board of assessment and as such shall make an annual as-

assessment of the property of all railroad companies within this state for the purpose of levying and collecting taxes thereon as hereinafter provided. The secretary of the commissioner of taxation shall be secretary of the board.

Definitions and construction. SECTION 2. For the purposes of this act the following provisions and definitions are made:

1. The term "board" in this act, without other designation, means the state board of assessment hereby created for the assessment and taxation of the property of railroad companies.

2. Any person, association, company or corporation owning and operating a railroad, or operating a railroad in this state, or owning or operating any station, depot, track, terminal or bridge for railroad purposes as owner, lessee or otherwise, shall be deemed a railroad company within the meaning of this act.

3. The term "property of a railroad company," as used in this act, shall include all franchises, right of way, roadbed, tracks, stations, terminals, rolling stock, equipment and all other real and personal property of such company used or employed in the operation of the railroad or in conducting its business, and shall include all title and interest in such property as owner, lessee or otherwise. Real estate not adjoining its tracks, stations or terminals, and real estate not necessarily used in operating the railroad, is excepted and shall be subject to taxation like the property of individuals.

4. The railway company operating a railroad in this state shall be the representative of every title and interest in the property of the railroad company as owner, lessee or otherwise, and notice to the operating company shall be notice to all interests in the railroad property for the purpose of taxation. The assessment and taxation of the property of a railroad company in the name of the owner, lessee or operating company shall be deemed and held an assessment and taxation of all the title and interest in such property of every kind or nature.

5. The term "general property of the state" shall be deemed to include all the real and personal property appearing upon the assessment rolls and tax rolls throughout the entire state upon which the state, county and local taxes are levied and collected.

6. Street railways are excluded from the operation of this act.

Powers of board; examination of records, books, etc.; may summon witnesses; compensation of witnesses. SECTION 3. The

board shall have access to all books, papers, documents, statements or accounts on file, or of record in any of the departments of the state. It shall have like access to all books, papers, documents, statements and accounts on file or of record in counties, towns, cities, villages and assessment districts, and the officers thereof shall in form prescribed by said board make returns to it of all information which may be called for. Said board shall have the power, by a summons signed by a member of said board and served in like manner as a subpoena issued from courts of record, to compel witnesses to attend, give evidence and to produce books and papers. Any member of the board or the secretary thereof is authorized to administer the oath to witnesses. The attendance of any witness may be compelled by attachment issued by any circuit court upon a proper showing that such witness has been duly served with the summons, and has refused to appear before said board. In case of the refusal of a witness to produce books, papers, documents or accounts, or to give evidence on matters material to the hearing, such refusal shall be reported to the attorney general who shall thereupon institute proceedings in the proper circuit court to compel such witness to testify or produce books and papers and to punish him for the refusal. The person serving such summons shall receive the same compensation as now allowed to sheriffs or other officers for serving subpoenas. The person appearing before said board in obedience to the summons shall in the discretion of the board, receive the same compensation as a witness in the circuit court, to be audited by the secretary of state on the certificate of a member of said board. The records, books, accounts and papers of any person, association or corporation, owning or operating railroad property to be assessed shall be subject to the visitation, inspection and examination by said board or such person as it may designate.

Depositions outside state. SECTION 4. The board in any matter material to the valuation, assessment or taxation of the property of railroad companies may cause the deposition of witnesses residing without the state or absent therefrom to be taken, upon notice to the railroad company interested, in like mode as the depositions of witnesses are taken in civil actions pending in the circuit court.

Reports to be made by railroad companies. SECTION 5. Every railroad company operating a railroad in this state shall annually between the first day of July and the first day of September in each year, under the oath of the president or other

chief officer and the secretary, treasurer, auditor or superintendent of such company, make and file with the board in such form as said board may prescribe, reports containing the following facts:

1. The name of the company.
2. The nature of the company, whether a person, association, company or corporation, and under the laws of what state or country organized, the date of original organization, date of reorganization, consolidation or merger; with specific reference to laws authorizing the same.
3. The location of its principal office.
4. The name of the place where its books, papers and accounts are kept.
5. The name and postoffice address of the president, secretary, treasurer, auditor, superintendent, general manager, counsel, directors and all other general officers.
6. The name and postoffice address of the chief officer or managing agent of the railroad company in Wisconsin and of all other general officers residing in the state.
7. The total number of shares of capital stock.
8. The par value of the shares of the capital stock for the whole system*showing separately,
(I) Amount authorized. (II) Amount issued. (III) Amount outstanding. (IV) Also the dividends paid thereon.
9. The market value of the shares of capital stock for the whole system, on the dates and for the periods the board may request or specify.
10. If such capital stock has no market value, the actual value on the dates and for the periods designated by said board.
11. The funded debt of the railroad company for the whole system, and a detailed statement of all series of bonds, debentures or other securities, forming a part of the funded debt at par value, with date of issue, maturity, rate of interest and interest paid.
12. The market value of each series of funded debt for the whole system on the dates and for the periods designated by said board, and if the whole or a part of such funded debt has no market value then the actual value thereof for such dates and periods as said board may specify.
13. Such general description of the real estate of the railroad company owned or operated in Wisconsin as would be sufficient in a conveyance thereof, under a judicial decree, directing a sale for taxes to vest in the grantee all title and interest in and to the said property.
14. A like description of the personal property, including

moneys and credits held by the company as a whole system and the part thereof apportioned to the line in Wisconsin.

15. A statement in detail of all capital stock, bonds or other securities of such railroad company owned by, or held in trust, for the company and the capital stock, bonds or other securities of other persons, companies or corporations owned by, or held in trust for it, and the par value and the market or actual value of the same.

16. The whole length of the lines of the railroad system operated by the company and the length of the lines in Wisconsin, whether operated as owner, lessee or otherwise. The length of the line owned and the length of the line operated for the whole system, and in Wisconsin, shall be separately reported.

17. The entire gross earnings of the railroad company from operation, income from operation and the income from other sources, for the whole system, and in Wisconsin, and the disposition made of such income.

18. The entire gross earnings of such railroad company in Wisconsin for each and every month for each calendar year ending on the thirty-first day of December.

19. The annual reports of the board of directors or other officers to the stockholders of the company, duplicates of the annual reports made to the interstate commerce commission, to the railroad commissioner of this state and to the railroad commissioners or state officers or boards of the other states in or through which their lines are operated.

20. Such other facts and information as said board may require in the form of returns prescribed by it.

Blanks for making the above reports shall be furnished to such companies by said board except for the copies of reports required under the provisions of subdivision 19 of this section.

In case any company refuses or neglects to make the reports required by this act, or refuses or neglects to furnish any information requested, the board shall inform itself the best it may on the matters necessary to be known in order to discharge its duties with respect to the valuation and assessment of the property of such company.

Liability for refusal to report. SECTION 6. If any railroad company or its officers or agents shall refuse or neglect to make any reports required by this act or said board, or shall refuse or neglect to permit an inspection and examination of its records, books, accounts or papers when requested by said board, or shall refuse or neglect to appear before the board in obedience to a

summons, such company shall be estopped to question or impeach the action or determination of the board upon any grounds not affecting the substantial justice of the tax.

Assessment, how and when made; preliminary hearing. SECTION 7. The board on or between the first day of September and the first day of November in each year, according to their best knowledge and judgment shall ascertain and determine the true cash value of the property of each railroad company within the state. Every such company shall be entitled on its own motion to a preliminary hearing and to present evidence before such board at any time on or between the first and fifteenth days of September, relating to the value of the property of such company, or to the value of the general property of the state. On request in writing for such hearing or presentation the board shall appoint a time and place therefor within the period aforesaid; the same to be conducted in such manner as the board shall direct. Such preliminary hearing shall not impair or affect the right to the further hearing provided for in section 10. The value of the property of railroads for assessment shall be made as of the same time, and in like manner, as the value of the general property of the state is ascertained and determined by the board. The board shall prepare an assessment roll and place thereon after the name of each railroad company assessed, the following general description of the property of such railroad company, to-wit: "Real estate, right of way, tracks, stations, terminals, appurtenances, rolling stock, equipment, franchises and all other real estate and personal property of said company," which shall be deemed and held to include the entire property and franchises of such railroad company within the state, and all title and interest therein. For the purpose of determining the true cash value of the property of each company, appearing on the assessment roll, the board may, if deemed necessary, view and inspect the property of such company and shall consider the reports filed in compliance with this act, and the reports and returns of the company filed in the office of any officer of this state, and such other evidence or information as may have been taken or obtained bearing upon the true cash value of the property of the railroad company assessed. In case of railroad companies which own or operate railroads lying partly within and partly without the state, the said board shall only value and assess the property within this state. In determining the value of the portion within the state the board may take into consideration the value of the entire system, the mileage of the whole system and of the

part within this state, together with such other information, facts and circumstances as will enable the board to make a substantially just and correct determination. When the true cash value of the property of a railroad company within this state shall have been ascertained and determined the amount thereof shall be entered upon the assessment roll opposite the name of the company and shall be, and constitute, the assessment of the entire property of such railroad company within this state for the levy of taxes thereon, subject to review and correction, as hereinafter provided. The board shall thereupon give notice by mail to each railroad company assessed of the amount of its assessment as entered upon such roll.

State assessment; duties of secretary. SECTION 8. When the state board of assessment shall have valued the general property of the state and completed the assessment of said property subject to taxation pursuant to chapter 237, laws of 1901, or any amendments thereof, and not later than the first day of October in each year; the secretary of said state board of assessment shall lay before said board the different classes and value of said property set down in the list opposite the name of each county, as fixed and determined by the state board of assessment, together with the assessed valuation of all taxable property in each county, in the form as returned by the county clerks to the secretary of state, and all other statistics, returns, records, papers, and statements, which the state board of assessment considered in determining the valuation of the general property of the state or which were used in compiling statistics, or tables for consideration of the state board of assessment.

General property, how and when valued. SECTION 9. The board not later than the first day of November in each year from the information laid before the board by the secretary of state or the secretary of the state board of assessment, statistics of the sales of real estate as returned to the secretary of state by the registers of deeds and the assessed value of said real estate, the returns of officers of the assessed value of said real estate, the returns of officers of the assessed value of all real and personal property on the tax rolls in the state, and upon all the evidence, proofs, statistics and information obtainable from all available sources, shall, according to their best knowledge and judgment, ascertain and determine the true cash value of all the general property of the state, assessed and to be taxed in the then present year, and shall enter upon its records the aggregate true cash value of such property.

Review of valuation of railroad property; hearing. SECTION 10. The board shall meet at the capitol at Madison on the second Tuesday of November in each year and continue in session from day to day, unless adjourned for a longer time, for such period as may be necessary, not later than the fifteenth day of December following, for the purpose of reviewing the valuation and assessment of railroad property on the assessment roll, and the value of the general property of the state. Any railroad company interested shall have the right to appear and be heard as to the value and assessment of the property of such company and the tax to be levied thereon, and as to the value of the general property of the state, and the board may on such application or of its own motion correct the valuation or assessment of such company in such manner as will in its judgment make the valuation thereof just and relatively equal with the valuation of the general property of the state, and may correct the valuation of the general property of the state. The assessed value of the property of a railroad company as it appears on the roll shall not be increased without notice to the company by registered letter that such increase is contemplated, and fixing the time for a hearing in relation thereto. The attorney general shall attend at such hearings and represent the interest of the state.

Aggregate of state and local taxes to be basis of tax rate of railroad property. SECTION 11. The board on or between the first Monday in December and the fifteenth day of January in each year upon returns from the secretary of state, or from county, town, city and village officers or both, shall ascertain and determine the aggregate tax in the whole state for state, county and local purposes levied on the general property of the state, excluding special assessments on property for local improvements, and when the aggregate of all taxes, state, county and local consolidated, is thus ascertained and determined, the amount thereof shall be entered on the records of the board.

Secretary of state to secure statistics of local assessments, taxes, etc. SECTION 12. Section 1005, statutes of 1898, is hereby amended so as to read as follows: Section 1005. The county clerk of each county shall, immediately upon the receipt from the secretary of state of the blanks and instructions necessary for carrying out the provisions of chapter 46, statutes of 1898, by town, village and city officers, distribute the same to such officers at the expense of the county, and shall annually, between the second Monday in December and the fourth Mon-

day thereof, make out and transmit to the secretary of state, on blanks furnished by him, a tabular statement of the statistics of valuation, taxes and indebtedness reported by the town, city and village clerks; and also, separately, the assessed valuation of all the taxable property in his county as last fixed by the county board, the amount of all county taxes levied thereon during the preceding year, and the purposes for which the same were levied and expended; and also a detailed statement of the bonded and other indebtedness of his county, of the accrued interest thereon, if any, remaining unpaid, and the purposes for which such indebtedness was incurred.

Defective returns; duties of local officers; penalties. SECTION 13. When the officers of any town, city or village shall have failed to return the amount of state, county and local taxes levied on property therein within the time required by law, the said board may inspect and examine, or cause an inspection and examination of the records of such officers to procure the required information and when no return is made and no information can be procured, the state, county and local taxes levied in such town, city or village in the prior year may be used in determining the aggregate taxes mentioned in section 11. Any county, town, city or village officer who shall fail to make the report or reports required by this act, shall be subject to a penalty of not less than twenty-five dollars nor more than one hundred and fifty dollars, to be recovered in a proper action in the name of the state of Wisconsin in any court of competent jurisdiction.

Average rate of taxation to be rate of taxation of railroad property; how determined. SECTION 14. From the aggregate true cash value of the general property of the state and the aggregate of taxes so determined and entered on the records, the board shall compute and determine the average rate of taxation, state, county and local consolidated, by dividing the aggregate taxes by the aggregate true cash value of the general property of the state upon which said taxes were levied, which said rate so arrived at and determined shall be entered upon the records of the board and shall constitute the rate of taxation on the true cash value of the property of the railroad companies liable to taxation under this act.

Assessment and tax roll; extension of tax against railroad companies; duties of state treasurer; taxes, when due. SECTION 15. The board shall compute and levy a tax upon the prop-

erty of each railroad company as assessed at the average rate of taxation determined as aforesaid, and the amount of tax to be paid by each railroad company shall be extended upon the assessment roll opposite the description of the property of the respective companies. After the completion of said tax roll, and prior to the first day of February in each year except for the years 1904 and 1905, the board shall attach thereto a certificate signed by the members of said board, or a majority thereof, which shall be as follows:

We do hereby certify that the foregoing tax roll includes the properties of all railroad companies liable to taxation in this state; that the valuation of the property of each railroad company as set down in said tax roll is the true cash value thereof according to our best knowledge and judgment, and that we have assessed and levied the taxes thereon charged in said tax roll at the average rate of taxation in this state as required by law.

The said tax roll shall thereupon forthwith be delivered to the state treasurer, who shall immediately notify by registered mail the several railroad companies taxed therein to pay the taxes extended thereon, to the state treasurer as follows: One-half of the amount of such tax on or before the fifteenth day of February and one-half on or before the tenth day of August in each year. The taxes extended against any railroad company after the same become due, shall be a lien upon all the property of such company prior to all other liens, claims and demands whatsoever, which lien may be enforced in an action in the name of the state in any court of competent jurisdiction against the property of such railroad company within the state as an entirety.

Taxes adjudged illegal; re-assessment. SECTION 16. If any tax levied under the provisions of this act shall be adjudged illegal and non-enforceable, or shall be set aside by any court of competent jurisdiction, on account of any irregularity or informality in the determination of the value of the property of railroads or the value of the general property of the state or of the average rate of taxation required to be ascertained and determined by the board or for the reason that such average rate has not been ascertained and determined according to law, it shall be the duty of said board, whether any part of the taxes assessed and levied have been paid or not, to forthwith reascertain and re-determine the value of the property of railroad companies or the value of the general property of the state or the average rate of taxation throughout the state as may be re-

quired; and when such reascertainment and redetermination has been made, to make a duplicate of the original assessment roll and to extend the taxes thereon according to such reassessment and when such duplicate roll has been made and the taxes extended thereon in the manner provided in this section, it shall be of the same force and effect as an original assessment made in accordance with law. All proceedings for such reassessment and for the extension and collection of taxes upon such duplicate assessment roll shall be conducted in the method originally provided for as near as may be.

The power to reassess the property of railroad companies and the general property of the state, and to redetermine the average rate of taxation, may be exercised as aforesaid and as often as may be necessary until the amount of taxes legally due from any such railroad company for any year under the provisions of this act, has been finally and definitely determined. Whenever any sum or part thereof, levied upon any property subject to taxation under this act so set aside has been paid and not refunded, the payment so made shall be applied upon the reassessment upon said property and the reassessment of taxes to that extent shall be deemed to be satisfied.

Irregularities not to invalidate tax. SECTION 17. No tax assessed upon any of the general property of the state and no average rate determined by said board as herein required, shall be held invalid on account of any assessment, or tax roll, not having been made or proceeding had within the time required by law, or on account of the property having been assessed without the name of the owner, or in the name of any corporation or person other than the owner, or on account of any other irregularity, informality or omission, if the method and manner of ascertaining and determining the average rate of taxation on property in this state is in accordance with the constitution and statutes of this state.

Proceedings to be deemed regular; time immaterial. SECTION 18. The proceedings of the board shall be presumed to be regular and the determination of the board shall not be impaired, vitiated or set aside upon any grounds not affecting the substantial justice of the tax.

The provisions in this act prescribing a date or period at or within which an act shall be performed or determination shall be made by the board shall be deemed directory only, and no failure to perform any such act or make such determination at or within the time prescribed therefor shall affect the valid-

ity of such act or of any determination made by the board, unless it shall appear that substantial injustice has resulted therefrom.

Action to set aside or restrain collection of tax; condition of granting injunction. SECTION 19. In any action, suit or proceeding brought by such company, or any creditor, stockholder or bondholder thereof, to set aside, restrain or postpone the payment or collection of any tax levied upon the property of the railroad company, no injunction, order or writ to enjoin or restrain the payment or collection of the tax shall issue, or be continued in force, unless said company shall pay to the state treasurer for the use of the state the amount of taxes which the court shall determine primarily to be justly and equitably due from such company. Such primary determination shall be made by the court in which the action, suit or proceeding is pending, upon motion, summarily and without delay.

In case the amount of tax justly and equitably due from such company, shall be finally determined to be less than the amount so paid, the excess shall be refunded to such company by direction of the court, and for that purpose the secretary of state, upon the filing in his office of a certified copy of such final determination, shall draw a warrant upon the state treasurer for the amount to be so refunded.

Action to recover illegal tax; limitation of; attorney general to appear for state. SECTION 20. Any railroad company claiming to be aggrieved by the levy of a tax upon its property, and alleging facts showing substantial injustice in the determination of the board, may within six months from the payment of the tax, and not thereafter, bring and maintain an action against the state in the circuit court to recover such part of the tax as shall exceed the amount the company should have paid. The state may be served with a summons in such action by delivering a copy to the attorney general or leaving it at his office in the capitol with one of his assistants. The attorney general shall appear and defend the action in behalf of the state.

Forfeiture for failure to pay tax. SECTION 21. Section 1214 of the statutes of 1898 is hereby amended to read as follows:

Section 1214. If any such railroad company operating any such railroad in this state, shall neglect to pay the tax assessed

and levied upon its property or any part thereof as herein provided, such company shall absolutely forfeit to the state a sum equal to ten per centum of the taxes so neglected to be paid, to be recovered in an action brought in the name of the state; and such neglect shall also be a cause of forfeiture of all the rights, privileges and franchises, whether granted by special charter or obtained under general laws, by and under which any such railroad company is operated. And the attorney general, upon such neglect, shall collect by action the pecuniary forfeiture herein imposed and shall also proceed to have forfeiture of such rights, privileges and franchises duly declared. Any such company at any time before the final judgment of forfeiture of such rights, privileges and franchises is rendered, may be permitted to make payment of the taxes herein provided for upon special application to the court in which the action to declare such forfeiture is pending upon such terms as the court shall direct. If an action is commenced by any railroad company to set aside the tax and enjoin the collection thereof the forfeitures herein provided shall not occur and become effective until sixty days after entry of final judgment.

Assessments of 1904 and 1905. SECTION 22. The first assessment of the property of railroad companies under this act shall be commenced in the year 1903 and be completed in the year 1904, and shall be known as the assessment of 1904, and the second assessment of the property of railroad companies under this act shall be commenced in the year 1904 and completed in the year 1905 and shall be known as the assessment of 1905.

License fees and taxes to be paid in 1904 and 1905. SECTION 23. (1) Every railroad company operating a railroad in this state except street railways operated by horse power, or mechanical power, shall on or before the tenth day of February in each of the years 1904 and 1905 make and return to the state treasurer in such form and upon such blanks as shall be furnished by him, a true statement of the gross earnings of their respective roads for the preceding calendar year, of the number of miles of railroad operated by each such company and the gross earnings per mile per annum during such year, which statement shall be verified by the oath of the secretary and treasurer of such companies so operating such railroad.

(2) Each such railroad company so operating any railroad, shall on returning such statement, apply for a license to operate

the railroad mentioned in such statement, and shall pay the license fee therefor provided in the next subdivision of this section, and thereupon shall receive from the state treasurer a license to operate such railroad for the calendar year commencing on the first day of January preceding and terminating on the next succeeding thirty-first day of December unless sooner revoked.

(3) The annual license fees for the operation of such railroads within the state for each of the years 1903, 1904 and 1905 shall be as follows:

1. Four per centum of the gross earnings of all railroads, except those operated on pile and pontoon or pontoon bridges, whose gross earnings equal or exceed three thousand dollars per mile per annum of operated railroad.

2. Three and one-half per centum of the gross earnings of all railroads, except those operated on pile and pontoon, or pontoon bridges, whose gross earnings equal or exceed two thousand five hundred dollars and are less than three thousand dollars per mile per annum of operated railroad.

3. Three per centum of the gross earnings of all railroads, except those operated on pile and pontoon, or pontoon bridges, whose gross earnings equal or exceed two thousand dollars and are less than two thousand five hundred dollars per mile per annum of operated railroad.

4. Five dollars per mile of all operated railroads, except those operated on pile and pontoon, or pontoon bridges, whose gross earnings equal one thousand five hundred dollars per mile per annum and are less than two thousand dollars per mile per annum of operated railroad, and in addition two and one-half per centum of their gross earnings in excess of one thousand five hundred dollars per mile per annum and under two thousand dollars per mile per annum.

5. Five dollars per mile of operated railroad by all companies whose gross earnings are less than fifteen hundred dollars per mile per annum.

6. Two per centum of the gross earnings of all railroads which are operated on pile and pontoon, or pontoon bridges, which gross earnings shall be returned as to such parts thereof as are within the state.

One-half of the license fee shall be paid at the time the license so issues and one-half on or before the tenth day of August in each year.

Every railroad shall be subject to the penalties and forfeitures for any failure or neglect to obtain a license or pay a license fee as prescribed in section 1214, statutes of 1898;

provided that for the years 1904 and 1905 the property of all railroad companies shall be expressly subject and liable to such further taxes in addition to such license fee as may be ascertained, determined and levied by said board as in the next section provided.

Assessment and taxes of 1904 and 1905; tax roll; refund of excessive license fee; tax to be lien on property; notice to companies. SECTION 24. When the assessment of the property of railroad companies and the taxes levied upon such property shall have been ascertained and determined as herein prescribed for the years 1904 and 1905, the assessment and tax roll of the property of such railroad companies for said years shall not be certified or delivered to the state treasurer until after the license fees paid and to be paid for the then present year have been ascertained and deducted from such taxes.

The said board, on and between the tenth day of February and the fourteenth day of May in each of the years 1904 and 1905, from the statements made and returned by the railroad companies to the state treasurer and from all other information obtained by it, shall ascertain and determine the amount of the license fees paid and to be paid in the then present calendar year and enter the amount of such license fees in its record and in a separate column in the tax roll opposite the name of the proper company. If the amount of the license fees which any company has paid and will be required to pay for a license to operate during the then present year is less than the amount of the tax thus levied upon the property of such railroad company, the amount of such license fee shall be deducted from the amount of the tax entered on the tax roll against the property of such company and the balance entered in a separate column opposite the name of the proper company. The amount of such balance shall be the tax finally levied upon the property of such railroad company and shall be the tax certified to the state treasurer on said tax roll for collection and payment.

If the amount of the license fee which any company has paid and will be required to pay for a license to operate during the then current year is more than the amount of the tax levied upon the property of such company, the amount of such tax shall be deducted from the amount of the license fee, and the balance entered in a separate column on the tax roll, shall be the amount which shall be refunded by the state treasurer to such company.

The board, after ascertaining and determining the amount

of excess of taxes above the license fee or the excess of license fees above the taxes, as the case may be, shall correct the tax roll of the property of the railroad companies according to the facts so as to show in a separate column, the true amount of taxes each company shall pay after the deduction of the license fee and the amount any company may be entitled to have refunded for excess of license fees over taxes levied. The roll thus revised and corrected shall be certified to the state treasurer on or before the fifteenth day of May in each of the years 1904 and 1905.

After the completion and correction of said tax roll for each of the years 1904 and 1905, and on or before May fifteenth, the board shall attach thereto a certificate signed by said board or a majority thereof which shall be as follows:

We hereby certify that the foregoing tax roll includes the property of all the railroad companies liable to taxation in this state for the present year; that the valuation of the property of each railroad company as set down in said tax roll is the true cash value thereof according to our best knowledge and judgment; that we have assessed and levied taxes thereon at the average rate of taxation in the state as required by law; that we have ascertained and determined the amount of license fee paid and to be paid by each railroad company for the present year; that when the taxes levied upon the property of a railroad company exceeded the license fees the amount of license fees has been deducted from the amount of taxes and the balance entered in a column under the head, "Taxes levied and to be collected," and when the license fees exceeded the taxes levied upon the property of a railroad company, the amount of taxes has been deducted from the amount of license fees and the balance entered in a column under the head, "License fees to be refunded."

The said tax roll with such certificate shall thereupon forthwith be delivered to the state treasurer and shall be his warrant for the collection of the taxes therein specified, and levied upon the property of railroad companies.

The state treasurer shall immediately notify by registered mail any company taxed therein to pay the taxes extended thereon to the state treasurer, as follows: One-half the amount of such tax within thirty days and one-half on or before the tenth day of August following.

The taxes extended against any railroad company after the same become due shall be a lien upon all the property of such company prior to all other liens, claims or demands whatsoever, which lien may be enforced in an action in the name of

the state in any court of competent jurisdiction against the property of the railroad company within the state as an entirety. The state may become the purchaser of the property of a railroad company under a judgment for its sale for taxes.

Whenever it appears from said tax roll that any railroad company is entitled to a refund of the license fee, the board at the time of the delivery of the tax roll to the state treasurer shall make and deliver to the secretary of state a statement certified by said board showing the name of any railroad company entitled to a refund for excess of license fees and the amount thereof. The secretary of state shall forthwith draw his warrant on the state treasurer in behalf of such railroad company for one-half of the amount to be refunded, and the state treasurer shall pay such warrant within thirty days from its date. The remaining one-half of the amount to be refunded shall be deducted when any company entitled thereto shall pay the remainder of its license fee on or before the tenth day of August.

For the purposes of the assessments of the years 1904 and 1905 to be made as in this section provided the time for determining the value of the property of railroad companies as provided in section 7 shall be extended to the first day of December, the time for making the determination of the value of the general property of the state as provided in section 9 shall be extended to the 1st day of December, and the time for the meeting of the board and for reviewing the assessment as provided in section 10, shall be the second Tuesday of December and extend to the fifteenth day of January following.

Property exempt from other taxes; stock held in state exempt. SECTION 25. The taxes and license fees imposed by this act shall be in lieu of all other taxes on the property of such railroad companies necessarily used in the operation of such railroads in this state, except the same shall be subject to special assessment for local improvements in cities and villages. The taxes and license fees hereby imposed or paid by such companies shall also be in lieu of all taxes on the shares of stock of such railroads owned or held by individuals of this state and such shares of stock in the hands of individuals shall be exempt from further taxation.

Taxes and license fees collected to become part of general fund. SECTION 26. All taxes and license fees collected from railroad companies under the provisions of this act shall be

paid to the state treasurer and become a part of the general fund for the use of the state.

Board may appoint expert engineer and accountant, office force and assistants. SECTION 27. The said board is authorized and empowered to employ an expert engineer, an expert accountant and such clerks and assistants as may be necessary to properly perform the duties imposed by this act and in the work of the valuation and taxation of the property of railroad companies, and to fix their compensation. The compensation and necessary expenses of such experts, clerks and assistants and the expenses of the members of the board shall be paid out of the treasury, as the salaries and expenses of other state officers are paid, and a sum sufficient to carry out the provisions of this act is hereby appropriated. Rooms in the capitol in addition to those now occupied by the tax commission shall be provided and set apart for the use of the said state board of assessment and its engineer, accountant and assistants in the assessment of the property of railroad companies and such rooms shall be furnished under the direction of said state board.

Inconsistent acts repealed. SECTION 28. Sections 1211, 1212 and 1213, statutes of 1898, and all acts and parts of acts inconsistent with this act are hereby repealed, but such repeal and the amendment of section 1214, statutes of 1898, shall not defeat, remit or affect the license fees paid or to be paid to the state in the years 1903, 1904 and 1905 nor affect any penalty or remedy for neglect to pay license fees according to the provisions of said sections.

Enabling clause. SECTION 29. This act shall take effect and be in force from and after its passage and publication.

Approved May 18, 1903.

No. 674, A.]

[Published May 21, 1903.]

CHAPTER 316.

AN ACT, to amend sections 3 and 4 of chapter 445 of the laws of 1901, relating to the office of county supervisor of assessment.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Salary of supervisor; stationery, who to furnish; deputies.

SECTION 1. Section 3 of chapter 445 of the laws of 1901, is hereby amended so as to read as follows: Section 3. The county board at the annual session at which such board shall elect a county supervisor of assessment, and prior to such election, shall fix the compensation of such officer, which shall not be increased or decreased during his term of office; but the compensation of said officer shall not exceed the sum of four dollars for each day actually employed in the work of such office, which shall include all his expenses except for stationery, blanks and postage. His compensation for services and postage shall be provisionally audited by the county clerk at the end of each month upon filing with such clerk a duly verified statement showing the number of days actually employed and the amount of postage necessarily expended in the work of his office during such month; but such statement shall be re-audited by the county board at its annual meeting. The amount so audited each month shall be paid as the salaries of other county officers are paid except that compensation for the months of October and November may be withheld until the supervisor's entire account to date shall have been audited by the county board at its annual meeting. The county clerk shall cause to be printed and furnished at the expense of the county, such stationery, blank forms and record books as may be required by the supervisor for his official use. The county board may authorize the county supervisor of assessment to appoint one or more deputies with the same power as said county supervisor, whose compensation and term of service shall be fixed by the county board, which shall not exceed the compensation or term of service of the supervisor of assessment. The compensation of such deputy or deputies shall be audited and paid in the

same manner as that of the supervisor except that the statements thereof shall be approved by the supervisor before being provisionally audited by the county clerk.

Compensation and expenses of assessors, how paid. SECTION 2. Section 4 of said chapter 445, is hereby amended by adding thereto the following: "Such compensation shall, after the year 1903, be paid out of the county treasury upon the certificate of the supervisor of assessments stating the attendance and number of miles of travel of each assessor, in like manner as certificates of witnesses and jurors are paid."

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved May 19, 1903.

No. 369, S.]

[Published May 21, 1903.

CHAPTER 317.

AN ACT, relating to the investment of trust funds by executors, guardians and trustees.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Trust funds may be invested, how. SECTION 1. Every executor, guardian or trustee, except where it is otherwise expressly directed by the will or instrument of trust, if any, may invest trust funds in governmental and real estate securities, as provided by law, and also, may, under the direction and with the approval of the proper court, invest trust funds as follows: In the bonds of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, Ohio, Michigan, Illinois, Minnesota and Iowa.

In the bonds of any city or village in the state of Wisconsin, and also in the bonds of any city in any other of the said states having a population of not less than twenty-five thousand, provided that such city or village shall not have defaulted in the payment of any of its bonded indebtedness during ten years immediately preceding such investment.

In the mortgage bonds or preferred stock of any steam railway or railroad corporation in the United States owning and operating not less than five hundred miles of track, which has paid dividends upon its entire capital stock for ten years immediately preceding such investment.

In promissory notes, which are or may be amply secured by pledge of any of the bonds, stocks or securities in which investment is hereinbefore authorized.

Act construed. SECTION 2. Nothing herein contained shall be construed to affect the power or jurisdiction of any court of the state of Wisconsin in respect to trusts and trustees.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved May 20, 1903.

No. 251, A.]

[Published May 21, 1903.

CHAPTER 318.

AN ACT, to amend chapter 297 of the laws of 1901, and to appropriate a further sum of money to the State Board of Managers of the St. Louis World's Fair.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Commission, number of members. SECTION 1. Section 1 of chapter 297 of the laws of 1901 is hereby amended by striking out the word "five" in the last line of said section and inserting in lieu thereof the word "seven," and by inserting after the word "Wisconsin" the words "at least two of whom shall be women," and by striking out the figures "1903" in the last line thereof and inserting in lieu thereof the figures "1904," so that said section 1, when so amended, shall read as follows: Section 1. A commission is hereby constituted to be known as the state board of managers of the St. Louis World's Fair, to be held in St. Louis, Missouri, in 1904, to consist of seven persons, residents of Wisconsin, at least two of whom shall be women.

Governor to appoint additional members. SECTION 2. Nothing herein contained shall impair the efficacy of any appointments heretofore made by the governor under said chapter 297 of the laws of 1901, but the two other appointees being the women members provided for, on said board, shall be appointed by the governor within thirty days after the passage and publication of this act.

\$75,000 appropriated. SECTION 3. There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to the State Board of Managers of the St. Louis World's fair, for carrying out the provisions expressed in this act, the sum of seventy-five thousand dollars in addition to all sums heretofore appropriated, or so much thereof as may be necessary to carry out the provisions of this act, the same to be paid out of the state treasury to the treasurer of said board in the manner provided by section 8 of said chapter 297 of the laws of 1901, and in the following manner, to-wit: One-half of the said appropriation to be available in the year 1903 and the balance, or that part thereof necessary, in the year 1904.

Treasurer's bond. SECTION 4. The treasurer of said board before he shall be entitled to receive the money by this act appropriated, shall execute and deliver to the governor a bond in the sum of double the amount of the appropriation, which bond shall be approved by the governor, and shall provide for the faithful performance of his duties as treasurer, and the faithful accounting to the state of Wisconsin for all moneys which shall come into his hands. The cost of said bond may be considered a lawful expense of said board.

Expenses of members allowed. SECTION 5. The members of said board shall receive no compensation for their services, but shall receive the actual expenses incurred, which shall be paid from the money appropriated by this act.

Buildings, etc., property of state. SECTION 6. All buildings, furniture, material or other property acquired by said board under this act or under chapter 297, laws of 1901, shall be and remain the property of the state of Wisconsin to be sold by said board in its discretion or otherwise accounted for.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved May 19, 1903.

No. 263, A.]

[Published May 21, 1903.]

CHAPTER 319.

AN ACT, amendatory of section 1512 of the statutes of 1898, relating to the relief and support of the poor.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Relief of strangers; county's liability; residence. SECTION 1. Section 1512 of the statutes of 1898 is hereby amended so as to read, when amended, as follows: Section 1512. When any person not having a legal settlement therein shall be taken sick, lame or otherwise disabled in any town, city or village, or from any other cause shall be in need of relief as a poor person and shall not have money or property to pay his board, maintenance, attendance and medical aid, the supervisors or other proper authorities shall provide such assistance to such persons as they may deem just and necessary, and if he shall die, they shall give him a decent burial. They shall make such allowance for such board, maintenance, nursing, medical aid and burial expenses as they shall deem just, and order the same to be paid out of the town, city or village treasury. The expenses so incurred shall be a charge against the county. The account therefor shall be audited by the county board and paid out of the county treasury, and to be by said county recovered of the town, city or village in which such person so relieved has a legal settlement; provided, however, that if such town, city or village is located in a county which has adopted and maintains the county system of maintaining its poor, then and in that case the county shall be liable. It shall be the duty of the town, city or village clerk to ascertain, if possible, the town, city or village in which such person has a legal settlement, and within ten days after such person becomes a public charge, to serve upon the county clerk of his county a written notice which shall state the name of the person who has received public aid, the name of the town, city or village where such person claims a legal settlement, or, if such place could not, after due diligence, be ascertained, a statement of such fact, and the date on which the first aid or support was furnished. The county clerk shall file such notice in his office, and shall within ten

days after the receipt thereof serve a written notice, containing the information in the notice so received, upon the county clerk of the county in which such person claims a legal settlement, and, if such county is not under the county system of maintaining its poor, the county clerk thereof shall at once forward such notice to the clerk of the town, city or village in which such person claims a legal settlement. The proper authorities of such town, city, village or county, in which such person claims a legal settlement, and until they shall do so, the proper authorities of the county in which such person may be, may take charge of such poor person and relieve him in such other manner as they deem proper. The county clerk of any county which may disallow a claim for expenses so incurred as aforesaid, or any part thereof, shall, within ten days after such disallowance, notify in writing the county clerk of the county making such claim of the action of the county board thereon, and until such notice is received by such county clerk, the ninety days in which an appeal to the circuit court may be taken from such disallowance, as provided in section 683 of the statutes of 1898, shall not begin to run. The mailing, within such ten days, by the proper officer, of any notice herein provided for, in the manner provided by section 2821 of the statutes of 1898, shall be a sufficient service of such notice.

SECTION 2. All acts or parts of acts in conflict or inconsistent with the provisions of this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved May 20, 1903.

No. 226, A.]

[Published May 21, 1903.]

CHAPTER 320.

AN ACT, to amend section 2 of chapter 393 of the laws of 1901, relating to elections.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Registration of voters in cities of first class. SECTION 1. Section 2 of chapter 393 of the laws of 1901 is hereby amended by adding to the end of said section the following: "Such inspectors shall hold their first meeting on Monday and the following Tuesday, four weeks preceding such elections. They shall meet at six o'clock in the forenoon and hold their meetings open until eight o'clock in the evening of each day during which they shall so sit. They shall hold their second meeting on the Monday preceding the Tuesday next preceding the election;" so that said section 2, when so amended, shall read as follows: Section 2. In all cities of the first class such inspectors shall make a new registry of electors for each municipal and general election, and no previous registry, or registry list, shall be copied or used in whole or in part in making the same, and no person's name shall be placed upon such registry unless the elector appear in person before the inspectors and request that his name be registered. Such inspectors shall hold their first meeting on Monday and the following Tuesday, four weeks preceding such election. They shall meet at six o'clock in the forenoon and hold their meetings open until eight o'clock in the evening of each day during which they shall so sit. They shall hold their second meeting on the Monday preceding the Tuesday next preceding the election.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 20, 1903.

No. 260, A.]

[Published May 21, 1903.

CHAPTER 321.

AN ACT, to amend chapter 259, of the laws of 1899, entitled
“an act making an annual appropriation to the Wisconsin
Cheesemakers’ Association.”

*The people of the state of Wisconsin, represented in senate and
assembly, do enact as follows:*

Appropriating \$600 annually. SECTION 1. Section 1 of chapter 259, of the laws of 1899, is hereby amended by striking out the words “four hundred dollars” where they occur in said section, and inserting in lieu thereof the words “six hundred dollars,” so that when amended, the said section shall read as follows: Section 1. There is hereby annually appropriated to the Wisconsin Cheesemakers’ Association, out of any money in the treasury not otherwise appropriated, the sum of six hundred dollars.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 20, 1903.

No. 253, A.]

[Published May 21, 1903.]

CHAPTER 322.

AN ACT, to appropriate a sum of money therein named for a monument in the National Cemetery at Andersonville, Georgia, commemorative of the Wisconsin soldiers who suffered and died in Andersonville prison, to appoint a commission to select a monument and cause the same to be erected and placed in a proper location in said cemetery, and to provide for the traveling and other necessary expenses of such commissioners.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

\$10,000 appropriated; preference to be given Wisconsin granite. SECTION 1. For the purpose of erecting a suitable monument in the National Cemetery, at Andersonville, Georgia, commemorative of the Wisconsin soldiers who suffered and died in Andersonville prison, there is hereby appropriated out of any money in the treasury, not otherwise appropriated, the sum of ten thousand dollars. Provided, however, that Wisconsin granite shall be preferred for said monument, at equal cost of similar qualities of granite obtainable from any other state or states.

Commission; duty of. SECTION 2. For the purpose of carrying out the provisions of section 1 of this act, the governor of the state of Wisconsin is hereby authorized and fully empowered, at his convenience, to appoint a commission of three ex-union soldiers, each of whom has been confined as a prisoner in said former Andersonville prison during the Civil War, who shall serve without pay, and whose duty it shall be to select a suitable monument and cause the same to be erected and placed in a proper location in said National Cemetery within two years after the passage and publication of this act.

Report. SECTION 3. Said commission shall make full report in writing to the governor of this state, without delay, after its labors have been completed.

\$500 appropriated for expenses of commission. SECTION 4. For the purpose of defraying the traveling and other necessary expenses of the commission, there is hereby appropriated, out of any money in the treasury not otherwise appropriated, the further sum of five hundred dollars, which sum, or so much thereof as may be necessary, shall be paid to the individual members of such commission, in the usual manner provided by law, upon the presentation of proper bills, receipts and vouchers.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved May 20, 1903.

No. 95, A.]

[Published May 21, 1903.]

CHAPTER 323.

AN ACT, to provide for the protection of employees and sanitation in certain buildings.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Water closets, etc., number of. SECTION 1. Every factory, mill, or workshop, mercantile or mechanical establishment or other building where eight or more persons are employed, shall be provided within reasonable access, with a sufficient number of water closets, earth closets, or privies for the reasonable use of the persons employed therein, and whenever male and female persons are employed as aforesaid together, water closets, earth closets or privies separate and apart, shall be provided for the use of each sex, and plainly so designated, and no person shall be allowed to use such closet or privy assigned to the other sex. Such closet shall be properly enclosed and ventilated and at all times kept in a clean and good sanitary condition. When the number employed is more than twenty of either sex, there shall be provided an additional closet for such sex up to the number of forty, and above that number in the same ratio. The commissioner of labor or any factory inspector may require

such changes in the placing of such closets as he may deem necessary and may require other changes which may serve the best interest of morals and sanitation.

Dressing rooms; authority of lessee. SECTION 2. In factories, mills or workshops, mercantile or mechanical establishments or other places where the labor performed by the operator is of such a character that it becomes desirable or necessary to change the clothing, wholly or in part, before leaving the building at the close of a day's work, separate dressing-rooms shall be provided for females whenever so required by the commissioner of labor or any factory inspector. It shall be the duty of every occupant, whether owner or lessee of any such premises used as specified by this act, to make all the changes and additions thereto. In case such changes are made upon the order of the commissioner of labor, or any factory inspector to the lessee of the premises, the lessee may at any time within thirty days after the completion thereof, bring an action against any person or corporation or partnerships having interest in such premises, and may recover such proportion of expenses of making such changes and additions as the court adjudges should justly and equitably be borne by such defendant.

Fans, or other mechanical device, when required. SECTION 3. If in any of the aforesaid places, any process is carried on, by which dust or fumes is caused, which may be inhaled by the persons employed therein, or if the air should become exhausted or impure, there shall be provided a fan or such other mechanical device, as will substantially carry away all such dust or fumes or other impurities.

Effluvia, when removed. SECTION 4. All of the aforesaid places shall be kept clean and free from effluvia arising from any drain, privy or nuisance, shall be ventilated and kept in a sanitary condition. The commissioner of labor or any factory inspector may require such changes or additions to be made in any of the aforesaid places as will promote the best measures of sanitation.

Penalty. SECTION 5. Any owner, lessee or any person or corporation having charge of any of the aforesaid buildings or places, who shall violate any of the provisions of this act, shall be guilty of a misdemeanor, and upon conviction thereof, shall

be punished by a fine of not less than ten (10) dollars and not exceeding one hundred (100) dollars.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved May 20, 1903.

No. 96, A.]

[Published May 21, 1903.

CHAPTER 324.

AN ACT, to amend section 1529a of the statutes of 1898, as amended by chapter 304 of the laws of 1899, pertaining to the support of inmates of veterans' home.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1529a, of the statutes of 1898 as amended by chapter 304 of the laws of 1899, is hereby amended by adding after the word "state" in the twenty-sixth line of said section as amended, the words, "or such soldiers, sailors and marines above named, inmates of said home, who shall have served in any Wisconsin regiment, or command, or in the navy of the United States, being credited to the state of Wisconsin, together with their wives or widows, who are not residents of this state," so that section when amended shall read as follows, to-wit:

"Support of inmates of veterans' home. Section 1529a. There shall be paid by the state treasurer to the treasurer of the board of trustees of the Wisconsin veterans' home, an institution incorporated under the laws of this state under the auspices of the department of Wisconsin grand army of the republic, three dollars a week for each inmate of such home, upon monthly bills properly verified by the oath of the president and secretary of said board, stating the name of each inmate for whose maintenance therein compensation is claimed, and the length of time during the month preceding the rendition of such bills, such person shall have been maintained therein; such payment shall be made only for the maintenance of such inmates of said

home as are destitute soldiers, sailors and marines who have been honorably discharged from the service of the federal government, who are residents of this state, or such soldiers, sailors and marines, above named, inmates of said home, who shall have served in any Wisconsin regiment, or command, or command, or in the navy of the United States being credited to the state of Wisconsin, together with their wives or widows, who are not residents of this state, and who cannot be received into any national home for disabled volunteers, and such destitute women, residents of this state, as were employed as army nurses, and such as are mothers, wives or widows of men who were union soldiers, sailors and marines during the civil war. Such payments shall be made subject to conditions imposed by chapter 393, of the laws of 1891."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 20, 1903.

No. 160, A.]

[Published May 21, 1903.

CHAPTER 325.

AN ACT amendatory of section 4567 of the statutes of 1898, as amended by section 19, of chapter 358, of the laws of 1901, entitled "An act revising the laws of this state relating to the protection of fish and game, and amending sections 1498a, 1498i, 1498m, 1498p, 4560d, 4560j, 4561a, 4562d, 4563b, 4564, 4565d, 4567 and 4567a, of the statutes of 1898, section 14, chapter 311, laws of 1899, and sections 4, 14, 14a, 18, 19 and 20 of chapter 312, laws of 1899."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Depositing deleterious substances in water; penalty. SECTION 1. Section 4567 of the statutes of 1898 as amended by section 19, chapter 358, of the laws of 1901, is hereby amended by striking out the words "the Wisconsin river" where they occur in lines 19 and 20 of said section 19, laws of 1901, so

that said section 4567 when amended shall read as follows: Section 4567. Any person who shall cast, deposit or throw overboard from any row, sail or steamboat or other craft into any of the inland waters of this state, or into Green Bay, Sturgeon Bay and Chequamegon Bay, or deposit or leave upon the ice thereof until it melts, any fish offal, which shall be construed to mean and include the head, intestines, blood and cleanings of fish and dead fish, or throw or deposit or permit to be thrown and deposited any lime, tanbark, ship-ballast, stone, sand, slabs or decayed wood or any acids or chemicals or waste or refuse arising from the manufacture of pulp or paper or other substances deleterious to fish life (authorize drainage and sewerage from municipalities excepted), into any of the rivers, lakes or streams of this state, including Green Bay, Chequamegon Bay and Sturgeon Bay, or into any streams wherein there have been planted trout fry or in which trout naturally abound, or who shall throw or deposit in any of the inland waters of this state (the Kickapoo river, the Pine river in Richland county, Balsam branch in Polk county, and the Chippewa river from Jim Falls to its mouth, Black river from the Falls dam down, in Jackson county, excepted), any sawdust or planing mill shavings shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment in the county jail not less than thirty days nor more than four months. The fact of any fisherman coming to the shore with dressed fish in his boat and without the offal produced by such dressing shall be prima facie evidence of the violation of the first clause of this section.

Conflicting laws repealed. SECTION 2. All acts or parts of acts inconsistent with or in conflict with the provisions of this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved May 20, 1903.

No. 1, A.]

[Published May 21, 1903.]

CHAPTER 326.

AN ACT to amend section 459 of the statutes of 1898, relating to what shall constitute a school month, and taking the day of general election out of the list of school holidays.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

School month; attendance on institute. SECTION 1. Section 459 of the statutes of 1898 is hereby amended so as to read as follows: Section 459. Twenty days of teaching shall constitute a school month unless it be otherwise specified in the contract, and all legal holidays, except the day of any general election, occurring on school days shall be counted although no school be taught; but school taught on legal holidays shall not be counted for two school days, and no Saturday shall be counted. The board may give to any teacher employed, without deduction from his wages, the whole or any part of any time spent by him in attending the sessions of any institute held in the county embracing any part of the district, upon such teacher furnishing to the clerk, to be filed by him, a certificate of regular attendance on such institute, signed by the person conducting the same.

Conflicting laws repealed. SECTION 2. All acts or parts of acts inconsistent with or in conflict with the provisions of this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved May 20, 1903.

No. 183, A.]

[Published May 21, 1903.

CHAPTER 327.

AN ACT to amend section 170 of chapter 12 of the statutes of 1898, and to provide for the payment of a salary for the state veterinarian.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Salary of state veterinarian. SECTION 1. Section 170 of the statutes of 1898 is hereby amended by adding after the word "thousand" where the same appears in the one hundred and seventeenth line of said section, the word "two hundred and fifty," so that said line when so amended shall read as follows: "the state veterinarian two thousand two hundred and fifty."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 20, 1903.

No. 398, A.]

[Published May 21, 1903.

CHAPTER 328.

AN ACT to amend section 1619 of the statutes of 1898, authorizing the killing of dogs under certain circumstances.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Dogs may be killed. SECTION 1. Section 1619 of the statutes of 1898 is hereby amended to read as follows: Section 1619. Any person may kill any dog, that he knows is affected with the disease known as hydrophobia, or that may suddenly assault him while he is peacefully walking or riding and while

being out of the enclosure or immediate care of its owner or keeper, and may kill any dog before its return to the enclosure or immediate care of its owner or keeper which shall be found killing, wounding or worrying any horses, cattle, sheep, lambs or other domestic animals.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 20, 1903.

No. 380, A.]

[Published May 21, 1903.]

CHAPTER 329.

AN ACT to amend chapter 188 of the laws of 1901, relating to encouraging attendance upon free high schools by residents of towns and villages having no free high schools, and prescribing the conditions entitling persons to attend.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

When non-residents may be admitted to free high schools.

SECTION 1. Chapter 188 of the laws of 1901 is hereby amended, so that said chapter when so amended shall read as follows: Section 1. The free high school board of any free high school district organized under the laws of this state, shall admit to the high school under its control, whenever the facilities for seating and instruction will warrant, any person of school age prepared to enter such school, who may reside in any town or incorporated village, but not within any free high school district, and who shall have completed the course of study in the school district in which he resides, or one equivalent thereto. Persons so admitted shall be entitled to the same privileges and be subject to the same rules and regulations as pupils of the school who are residents of the free high school district.

Tuition fee, statement of. SECTION 2. Whenever persons, not residing in any free high school district and having completed the course of study in the school district in which he

resides, or one equivalent thereto, as herein provided, enter any free high school, the free high school board of that district shall be entitled and is hereby authorized to charge a tuition fee for such pupils not to exceed fifty cents per week. On or before the first day of July in each year, the secretary of the free high school board shall make a sworn statement to the clerk of the city, town or village from which any person may have been admitted to said free high school. Said statement shall set forth the residence, name, age and date of entrance to such school, the number of months' attendance during the preceding school year of each person so admitted from such city, town or village; this statement shall show the amount of tuition which, under the provisions of this act, the district is entitled to receive for each person reported as having been a member of the school from such city, town or village, and the aggregate sum for tuition for all persons so admitted from each city, town or village, which statement shall be filed as a claim against the town, city or village where such person resides, and allowed as other claims are allowed.

Evidence of completion of course of study, what is sufficient.

SECTION 3. The usual diploma issued by any school or school district organized under the laws of the state, shall be sufficient evidence of the completion of the course of study hereinbefore mentioned, and it shall be the duty of the state superintendent, in all cases where a course of study is not already prescribed, to prescribe a course of study and designate what shall constitute a completion thereof under this act. A duplicate of such diploma, or a copy thereof duly certified as such, by any of the persons signing the original, shall be delivered upon request to the person named therein, and shall be filed by him with the secretary of the free high school board of the free high school district, upon his admission to its high school. A certificate from the county superintendent of the completion of such course, or that the diploma hereinbefore referred to, has been properly issued to the person named therein, shall have the same effect as such diploma, as evidence of the completion of the course of study. All duplicate diplomas, or certified copies thereof, or certificates of county superintendents so filed, shall be attached to the sworn statement of such secretary hereinbefore provided for.

How tuition collected in villages. SECTION 4. The village clerk shall enter upon the tax roll of the village for the ensuing year such sums as may be due for tuition on account of resi-

dents of the village who have attended such free high school or schools, and the amounts so entered shall be collected when and as other taxes are collected, and shall be paid when so collected, to the treasurer of the free high school district or districts, where such persons have attended the free high school or schools.

How collected in towns. SECTION 5. The clerk of any town not having within its territory a free high school district, shall enter upon the tax roll of the town for the ensuing year such sums as may be due for tuition on account of residents of the town who have attended such free high school or schools, and the amounts so entered shall be collected when and as other taxes are collected, and shall be paid when so collected, to the treasurer of the free high school district where such persons have attended the free high school or schools.

How collected in portion of town or city not in district. SECTION 6. The clerk of any town or city, a portion of which constitutes or forms a part of a free high school district, shall enter upon the tax roll for that part of the town or city, not within a free high school district, such sums as may be due for tuition on account of residents of that portion of the town or city, that have attended such free high school or schools, and the amounts so entered shall be collected when, and as other taxes are collected, and shall be paid when so collected, to the treasurer of the free high school district or districts where such persons have attended the free high school or schools.

Conflicting laws repealed. SECTION 7. All acts or parts of acts in conflict with this act are hereby repealed.

SECTION 8. This act shall take effect and be in force from and after the first day of July, 1903, after its passage and publication.

Approved May 20, 1903.

No. 670, A.]

[Published May 22, 1903.

CHAPTER 333.

AN ACT to amend section 1529b of the statutes of 1898, relating to county tax for soldiers.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

County tax for soldiers, etc. SECTION 1. Section 1529b of the statutes of 1898 is hereby amended so as to read as follows: Section 1529b. It shall be the duty of every county board to annually levy, in addition to all other taxes, a tax not exceeding one-fifth of one mill upon the taxable property in the county; such tax to be levied and collected as other county taxes for the purpose of creating a fund for the relief of needy union soldiers, sailors or marines, the indigent wives, widows, minor children of deceased union soldiers, sailors and marines, and the indigent parents of such soldiers, sailors or marines, who have not left surviving them widows or children entitled to relief under the provisions thereof.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 19, 1903.

No. 534, A.]

[Published May 22, 1903.]

CHAPTER 334.

AN ACT to provide fishways in dams, booms, piers and other obstructions, in the Koshkonong creek, in the counties of Dane and Jefferson, in the state of Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Fishway must be constructed. SECTION 1. It shall be the duty of every person, persons or corporation owning, managing, occupying or having in charge any dam, boom, pier or other obstruction of any kind whatsoever in, on or across the stream in Dane and Jefferson counties, in the state of Wisconsin, known as Koshkonong creek, to construct, maintain in or upon such dam, boom, pier or other obstruction a good and safe fishway, which will permit the certain and easy passage of fish up and down said Koshkonong creek, and upon and according to plans which shall be prepared or approved by the board, known as the "Commissioners of Fisheries" in the state of Wisconsin, and as defined in chapter 62 of the statutes of 1898.

Repairs of. SECTION 2. It shall be the duty of every person, persons or corporation owning, managing, occupying or having in charge any such dam, boom, pier or other obstruction in or on said Koshkonong creek, as aforesaid, to keep and maintain such fishway in good repair, and open for the easy and free passage of fish up and down said creek, from the first day of March until the first day of June next ensuing in each and every year after said fishways are built.

Notice; time within which constructed. SECTION 3. The said fishways shall be constructed as aforesaid, within three months after said owner, occupant, manager, or person or persons having the charge or control of any such dam, boom, pier or other obstruction, shall have been notified in writing by the board known as the "Commissioners of Fisheries" of the state of Wisconsin, to build or construct said fishway or fishways, and prescribing the location thereof with reasonable certainty.

Commissioners of fisheries, duty of. SECTION 4. It shall be the duty of the state board of the commissioners of fisheries to furnish, free of expense, to any person or corporation applying for the same, a plan for the fishway in any dam, boom, pier or other obstruction being now in, on, or across said Koshkonong creek, or which may hereafter be constructed on or therein. And said board shall between the first day of April and the first day of June next ensuing in each year, cause all such dams, booms, piers or other obstructions, to be examined and cause complaint in the proper court to be made against any person, persons or corporation violating the provisions of this act.

Forfeiture. SECTION 5. Any person or corporation who shall neglect or refuse to construct, maintain or keep in repair, or keep open a fishway in such manner as to permit the certain and easy passage of fish up and down said Koshkonong creek, and as required by the provisions of this act, shall forfeit to the state of Wisconsin not less than \$25 nor more than \$100 for each of such violations of the provisions of this act, in addition to all costs of suit, and the same to be recovered in a civil action brought in the name of the state of Wisconsin by the said fish and game warden or one of his deputies.

Conflicting laws repealed. SECTION 6. All laws, acts or parts of acts in conflict or inconsistent with the provisions of this act are hereby repealed.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved May 20, 1903.

No. 325, A.]

[Published May 22, 1903.

CHAPTER 335.

AN ACT to appropriate to Edward F. Rakow a sum of money therein named for expenses of election contest.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Purpose of appropriation. SECTION 1. There is hereby appropriated to Edward F. Rakow of the city of Burlington, in the county of Racine, in the state of Wisconsin, out of any money in the state treasury not otherwise appropriated, the sum of three hundred dollars in full for expenses incurred by him in defending the contest for seat in assembly from the second district of Racine county, instituted by John H. Kamper.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 20, 1903.

No. 308, S.]

[Published May 22, 1903.

CHAPTER 336.

AN ACT to defray the expenses of the coal investigating committee.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Purpose of appropriation. SECTION 1. There is hereby appropriated out of any money in the treasury, not otherwise appropriated, the sum of three hundred and ninety-seven dollars and sixty-five cents (\$397.65), to defray the expenses of the committee in making the investigation on the shortage of coal in the state.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 20, 1903.

No. 221, A.]

[Published May 21, 1903.

CHAPTER 337.

AN ACT providing for the payment of certain stone, brick and crushed stone furnished and used in the construction of the state historical society building.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Intent of act. SECTION 1. The purpose of this bill is to determine and pay to the parties hereinafter named for stone, brick and crushed stone used in the construction of the state historical society building, erected in 1896 and 1897.

Appropriation. SECTION 2. There is hereby appropriated out of any money in the general fund not otherwise appropriated the sum of \$3,503.52, to be paid to the Consolidated Stone Co., for Bedford stone furnished and used in the construction of said building and not paid for.

Appropriation. SECTION 3. There is hereby appropriated out of any money in the general fund not otherwise appropriated the sum of \$1,563.00, to be paid to David Stephens, for brick and crushed stone used in the construction of said building and not paid for.

Compensation in full. SECTION 4. Said amounts when thus paid to the respective parties, are in full compensation and payment for all material furnished by the respective parties, in the erection and construction of said building.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved May 20, 1903.

No. 293, S.]

[Published May 22, 1903.

CHAPTER 338.

AN ACT to amend section 5, chapter 373, laws of 1901, and to create five new sections relating to county training schools for teachers.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

What counties may establish schools. SECTION 1. Chapter 373, laws of 1901, is hereby amended by striking out the word "six" where it occurs in the tenth line of section 5, and substituting therefor the word "eight," by adding five new sections to be known as sections 7, 8, 9, 10 and 11, and renumbering section 7 as section 12, and section 8 as section 13, so that said chapter, when so amended, shall read as follows: The county board of any county within which a state normal school is not located, is hereby authorized to appropriate money for the organization, equipment and maintenance of a county training school for teachers of the common schools.

Board for; appointments, vacancies, bond, organization. SECTION 2. A board to be known as the county training school board, is hereby created, who shall have charge and control of all matters pertaining to the organization, equipment and maintenance of such school, except as otherwise provided by law. Said board shall consist of three members, one of whom shall be the county superintendent of schools of the county or district in which the school is located. The other members of the board shall be elected by the county board, for the term of three years from the date of their election. Vacancies existing in the board, from whatever cause, except in the case of the county superintendent, shall be filled by appointment made by the chairman of the county board, if the county board is not in session when such vacancy occurs. If the county board is in session, vacancies shall be filled by election by said board for the unexpired term. Appointments made by the chairman of the county board, as hereinbefore specified, shall be for the time to elapse until the next regular meeting of the county board. Each person appointed or created a member of the

county training school board shall within ten days after the notice of such appointment, take and subscribe an oath, to support the constitution of the United States and the constitution of Wisconsin, and honestly, faithfully and impartially to discharge his duties as a member of said board, to the best of his ability, which oath shall be filed in the office of the county clerk. He shall also, within the same time, file a bond in such sum as may be fixed by the county board, which bond shall be filed in the office of the county clerk. Within fifteen days after the appointment of said board, the members thereof shall meet and organize by electing one of their number as president and one as treasurer; the county superintendent of schools shall be ex-officio secretary of the said board. The said board shall prescribe the duties of the several officers, except as fixed by law.

Moneys for, how paid. SECTION 3. All moneys appropriated and expended under the provisions of this act shall be expended by the county training school board, and shall be paid by the county treasurer on orders issued by said board.

Duty of state superintendent. SECTION 4. The state superintendent shall give such information and assistance as may seem necessary in organizing and maintaining such training schools. He shall prescribe the courses of study to be pursued, and shall determine the qualifications of all teachers employed in such schools. He shall have the general supervision of all schools established under this act; shall from time to time inspect the same, make such recommendations relating to their management as he may deem necessary, and make such report thereon as shall give full information concerning their number, character and efficiency.

State aid for, how secured. SECTION 5. Any school established under the provisions of this act, whose courses of study and the qualifications of whose teachers have been approved by the state superintendent, may, upon application, be placed upon an approved list of county training schools for teachers. A school once entered upon such list may remain listed and be entitled to state aid so long as the scope and character of its work are maintained in such manner as to meet the approval of the state superintendent; provided, that he shall not place upon said list more than eight schools. On the first day of July in each year the secretary of each county training school board maintaining a school on the approved list, shall report to

the state superintendent setting forth the facts relating to the cost of maintaining the school, the character of the work done, the number and names of teachers employed and such other matters as may be required. Upon the receipt of such report, if it shall appear that the school has been maintained in a satisfactory manner for a period of not less than ten months during the year closing on the thirtieth day of the preceding June, the said superintendent shall make a certificate to that effect and file it with the secretary of state. Upon receiving such certificate, the secretary of state shall draw his warrant, payable to the treasurer of the county maintaining such school, a sum equal to one-half the amount actually expended for maintaining such school during the year, provided that the total amount so apportioned shall not exceed twenty-five hundred dollars in any one school year.

Certificates, to graduates; effect of. SECTION 6. Any person who shall complete in a satisfactory manner the course of study prescribed for any county training school, and who shall be of good moral character, shall receive a certificate signed by the principal of the school and by the members of the county training school board. Said certificate shall certify that the person named therein has satisfactorily completed the course of study prescribed for the county training school, and is of good moral character; it shall also contain a list of the standings secured by the person on the completion of each of the studies pursued in the school. Such certificate shall have the force and effect of a third grade certificate issued by the county superintendent of the county or district in which the school is located, for the term of three years from the date of its issue. Any school superintendent or officer authorized to grant certificates to teachers in Wisconsin schools is hereby authorized, in his discretion, to accept standings obtained by the completion of studies in any county training school in the state, when duly certified by the principal of said school, in lieu of actual examination by said superintendent or examiner at any time within three years from the date of the certificate of completion of the course by the person desiring to have such standings accepted. This provision shall apply to certificates of third and second grades.

Joint training school between counties. SECTION 7. The county boards of two or more adjoining counties may unite in establishing and maintaining a training school for teachers for the purposes and on the same general plan as provided for in

chapter 373, laws of 1901, and may appropriate money for its maintenance, and whenever two or more counties unite in establishing such a school, the county superintendent of the county in which the schoolhouse is situated shall be ex officio secretary of the board, and two members in addition shall be chosen from each county, and no member of any county board of supervisors shall be eligible.

Cost of joint training school, how apportioned. SECTION 8. Whenever two or more counties unite in establishing and maintaining such school, the county school board provided for in such cases shall determine the amount of money necessary for the maintenance and equipment of the school for the next succeeding year, and annually thereafter. They shall apportion the amount to be raised by taxation among the counties in proportion to the assessed valuation of the real and personal property in each county as last fixed by the state board of assessment, and shall report to the county clerk of each county on or before the first Monday of November in each year, the amount of the apportionment so fixed, and such amount shall be levied in the county tax of each county for the ensuing year for the support of the school.

Who shall be treasurer of; money, how expended. SECTION 9. The county treasurer of the county in which the school is located shall be ex-officio treasurer of the training school board and all moneys appropriated and expended under the provisions of this act shall be expended by the board of said county training school and shall be paid by said county treasurer on orders drawn by the secretary and countersigned by the president.

Who may be admitted. SECTION 10. The board of any training school for teachers established under this law in a single county, or by two or more adjoining counties, shall admit to said school, whenever the facilities provided will warrant said board in so doing, any person prepared to enter such school, and who may reside in any county but not within the district where any training school has already been established. Persons so admitted shall be entitled to the same privileges and subject to the rules of the board adopted for the government of such school.

Tuition of non-residents, how collected. SECTION 11. Whenever any person not residing in any training school district

shall become a student in any training school, the board of such school is hereby empowered to charge a tuition fee for such person to be fixed by a majority of the members of said board at a regular meeting thereof. The county board of supervisors of the county of which such person is a bona fide resident, is hereby authorized and empowered to provide by tax upon the property of the county, a sum sufficient to provide for the payment of the tuition on account of the residents of said county, who have attended such teachers' training school, and the amounts so levied shall be collected when and as other taxes are collected, and shall be paid by the county treasurer of said county to the county treasurer of the county in which the training school enrolling such person is situated, and the amount so received by such treasurer shall be placed to the credit of the teachers' training school district.

Appropriation. SECTION 12. There is hereby appropriated out of any money in the treasury not otherwise appropriated a sufficient sum to carry out the provisions of this act.

SECTION 13. This act shall take effect and be in force from and after its passage and publication.

Approved May 20, 1903.

No. 669, A.]

[Published May 22, 1903.

CHAPTER 339.

AN ACT, to create two townships in Brown and Outagamie counties from the territory now embraced within the Oneida Reservation in said counties, the town in Brown county to be known as the town of Hobart and the town in Outagamie county to be known as the town of Oneida.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Towns of Hobart and Oneida defined. SECTION 1. All that portion of the territory embraced within Oneida reservation, situated in Brown county, Wisconsin, is hereby duly created

and organized as a separate town to be known and designated as the town of Hobart. All that portion of the territory embraced within Oneida reservation situated in Outagamie county, Wisconsin, is hereby duly created and organized as a separate town to be known and designated as the town of Oneida.

Powers, etc. SECTION 2. The said towns of Hobart and Oneida are hereby created and organized with all the rights, powers and privileges conferred upon and granted to other towns in the state of Wisconsin, and shall be subject to all the general laws enacted for town government therein.

Place and time of first town meeting. SECTION 3. The first town meeting of said town of Hobart shall be held on the 2nd day of June, 1903, in the Union School House, situated in said town, and the first town meeting of said town of Oneida shall be held on the 2nd day of June, 1903, in the Epworth Hall, situated in said town.

Town officers, election of. SECTION 4. The qualified electors of said towns of Hobart and Oneida, shall at such town meetings held as provided in section 2 of this act, in the manner provided by law elect town officers for said town, and for the purpose of such election the qualified electors of said towns shall between the hours of nine and eleven o'clock in the forenoon of said day, choose three of their number to act as inspectors of said election, and such inspectors shall before entering upon their respective duties, severally take the usual oath of office and file the same with their returns; and such inspectors shall respectfully canvass and return the votes cast at such election in all respects as provided by law for inspectors at annual town meetings. Town clerks and also all necessary clerks of said election shall be appointed by said inspectors or a majority thereof to assist said inspectors in conducting said town meetings and in canvassing and returning the votes cast at such election.

When towns deemed organized. SECTION 5. When said town meetings shall have been held as herein provided and the town officers as required by law shall have been duly elected, the said town of Hobart and the said town of Oneida shall be deemed duly organized, shall possess all the rights, powers, privileges and authority and shall be subject to all the liabilities of other towns of the state of Wisconsin.

After said first town meetings all annual town meetings shall be held on the day provided by law for the holding of town meetings in other towns in the state of Wisconsin.

Notice of first town meeting, how given. SECTION 6. The notice of said first town meetings shall be given by posting a copy of this act in at least six public places in each of said new towns of Hobart and Oneida, at least ten days prior to the time of holding said first town meetings; said notices may be posted by any duly qualified elector residing in each of said towns, who shall make the proper affidavit of such posting and file the same on the day of said first town meetings, with the inspectors chosen to conduct first said town meetings.

When towns deemed organized. SECTION 7. When said town meetings shall have been held as herein provided and the town officers required by law have been duly elected, the said towns of Hobart and Oneida shall be deemed to have been and shall be duly organized and shall possess all the rights, powers, privileges and authority and shall be subject to all the liabilities of other towns in the state of Wisconsin.

SECTION 8. This act shall take effect and be in force from and after its passage and publication.

Approved May 20, 1903.

No. 387, S.]

[Published May 22, 1903.]

CHAPTER 340.

AN ACT, to authorize E. T. Harmon, his heirs, associates and assigns, to build and maintain a dam across the Chippewa river, in section twenty-three (23), and section twenty-six (26), in township thirty-eight (38) north, of range seven (7), west, in Sawyer county, Wisconsin, for the purpose of improving the navigation of said river, and of creating hydraulic power.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Location of dam. SECTION 1. E. T. Harmon, his heirs, associates and assigns, are hereby authorized to build and maintain a dam across the Chippewa river on lands he may now own or may hereafter acquire in section twenty-three and in section twenty-six, in township thirty-eight, north, of range seven west, in Sawyer county, Wisconsin, at or near the east and west boundary line between said sections twenty-three and twenty-six.

Purpose; slides or chutes. SECTION 2. He, his heirs, associates or assigns may use such dam for the purpose of driving, booming and storings logs and timber and improving the navigation of said river. If any water power shall be created by said dam not necessary for the purpose of driving, booming and storing of logs and timber or the improvement of the navigation of said river, the said E. T. Harmon, his heirs, associates and assigns, shall have the right to use, lease and dispose of such surplus water power in conducting and carrying on any manufacturing business and in operating any and all kinds of machinery he or they may see fit hereafter to construct, or erect and for that purpose may build raceways and flumes and all other equipment necessary to develop and use said surplus water. The owners of said dam shall build, maintain and keep in repair suitable slides and chutes in said dam for the running of logs and timber products over the same, sufficient in capacity to accommodate all logs and timber products that may be floated down said river and shall maintain a sufficient

unobstructed channel for the free passage of logs and timber products through the pond created by said dam.

Powers conferred. SECTION 3. In order to build and maintain said dam and use the same for the purposes herein specified, the said E. T. Harmon, his heirs, associates and assigns, shall have the right to take and overflow and use any lands not owned or controlled by them, and may acquire title to any such lands and the right to control and use the same for said purposes by and through proceedings of condemnation under the power of eminent domain as provided in sections 1777a, 1777b, 1777c, 1777d and 1777e of the statutes of 1898, and said statutes and the acts amendatory thereof are hereby made applicable to said dam and the acquisition of the title or right to use any lands for the purpose of maintaining and using said dam for the purposes hereinbefore specified.

Fishway. SECTION 4. The dam so erected and constructed shall be provided with a good and sufficient fishway to be approved by the state board of commissioners of fisheries, and said fishway shall at all times be kept in good repair and open for the free and easy passage of fish up and down said river. In case the owner or owners of said dam shall neglect or refuse to keep in repair or to keep open such fishway, as required by the provisions of this act, they shall upon conviction thereof be fined not less than twenty-five dollars nor more than one hundred dollars. The dam so erected shall be provided with such piers and guide booms as may be necessary for the free and safe passage of logs at the expense of the owners of said dam.

Legislative rights reserved. SECTION 5. The right is reserved to the legislature to repeal or modify this act at any time.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved May 20, 1903.

No. 361, S.]

[Published May 22, 1903.

CHAPTER 341.

AN ACT, to legalize the organization of joint school district No. 1 of the village of Bruce and towns of Atlanta and Thornapple in the county of Gates.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Organization legalized. SECTION 1. The organization of joint school district No. 1 of the village of Bruce and towns of Atlanta and Thornapple in the county of Gates, is hereby legalized.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 20, 1903.

No. 263, S.]

[Published May 22, 1903.

CHAPTER 342.

AN ACT, to amend sections 319 and 354 of the statutes of 1898, relating to the printing, collective binding, and distribution of public documents.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Public documents; additional copies. SECTION 1. Section 319 of the statutes of 1898 is hereby amended by substituting therefor the following: Section 319. It is hereby made the duty of the public printer to print, in addition to the number now specified by law, five hundred copies of each and every report of the state officers, boards, and commissions, who are now required by law to make reports, the same to be reserved by

him for collectively binding into two or more volumes to be known as the Wisconsin public documents. Such volumes shall contain, in the order named, as far as practicable, the governor's message to the legislature, the biennial reports of the secretary of state, the state treasurer, the attorney general, the state superintendent, the railroad commissioner, the commissioner of labor statistics, the dairy and food commissioner, the state board of control, the state tax commission, the free library commission, the state board of health, the annual reports of the commissioner of insurance, bank examiner, and the state board of agriculture, the biennial reports of the adjutant general, the quartermaster general, the commissioners of public lands, the regents of the university, the regents of normal schools, the geological and natural history survey, the state board of arbitration, the commissioners of fisheries, the state supervisor of inspectors of illuminating oils, the state veterinarian, the Milwaukee hospital for the insane, the state conference of charities and corrections, and such other reports of boards, commissions, or state departments as now are or may hereafter be established and required to make reports. They shall not, however, contain anything that is inserted in the laws or journals, except the governor's message. The volumes of said collected public documents shall contain about fourteen hundred pages each, and be as nearly equal in thickness as is practicable, and shall be bound in half Russia with paper sides, in style similar to the Wisconsin public documents for 1899-1900. Each volume shall be provided by said state printer with a general title page, containing the words "Public documents of the state of Wisconsin, being the reports of the various state officers, departments, and institutions for the fiscal term ending June 30," designating the year and the number of the volume; there shall follow the aforesaid title page, on a separate leaf, a table of contents to the reports in each volume of the series, the contents of each volume to be numbered separately as in the table of contents in the public documents for 1899-1900; between each of the several reports in the series shall be bound a blank leaf of red book paper of quality equal to that upon which the reports are printed; and said volumes shall be lettered in gilt upon the back, "Wisconsin public documents" together with the number of the volume, the years covered by said reports, and the names of the reports contained therein. The public printer shall be entitled to such additional compensation for printing the special extra edition of the documents herein provided for, as may be proper under

the terms of his contract; but no charge for compensation on the collected public documents herein provided for shall be allowed unless it shall be necessary to reimpose the same, in which case ten per centum of the price of plain composition shall be allowed on such matter reimposed.

Bound documents, distribution of. SECTION 2. Section 354 of the statutes of 1898 is hereby amended by substituting therefor the following: Section 354. Upon completion of the binding of the five hundred sets of collected public documents provided for in section 319, the state printer shall promptly deliver to the state library seventy-five sets thereof, and to the state historical library sixty sets thereof, for the purpose of effecting exchanges with other libraries; also three sets to the free library commission, for the use of the legislative reference room. The residue of the edition shall be delivered by the state printer to the superintendent of public property, to be distributed as follows: one set to each member of the legislature to which such public documents were submitted; one set to each state institution, to the library of each state normal school, to the library of the state university, and to each county clerk, the same to be preserved in such institutions and in the office of such clerk; and not exceeding one hundred sets to be placed at the disposal of the free library commission, to be distributed through the said superintendent to such school, collegiate, and free public libraries of the state having one thousand or more volumes, as may be designated by the secretary of said commission as depositories of public documents.

Conflicting laws repealed. SECTION 3. All acts or parts of acts inconsistent with or in conflict with the provisions of this act, are hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved May 20, 1903.

No. 242, S.]

[Published May 22, 1903.]

CHAPTER 343.

AN ACT, relating to criminal anarchy, and making it unlawful to advocate, advise or teach the overthrow of organized government by force, violence or assassination, and providing a penalty for a violation thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Criminal anarchy defined. SECTION 1. Criminal anarchy is the doctrine that organized government should be overthrown by force or violence, or by assassination of the executive head or of any of the executive officials of government, or by any unlawful means. The advocacy of such doctrine either by word of mouth or writing is a felony.

Advocacy of criminal anarchy. SECTION 2. Any person who: 1. By word of mouth or writing, advocates or teaches the duty, necessity or propriety of overthrowing or overturning organized government, by force or violence, or by assassination of the executive head or of any of the executive officials of government, or by any unlawful means; or

2. Prints, publishes, edits, issues or knowingly circulates, sells, distributes or publicly displays any book, paper, document, or written or printed matter in any form, containing or advocating, advising or teaching the doctrine that organized government should be overthrown by force, violence or any unlawful means; or

3. Openly, wilfully and deliberately justifies by word of mouth or writing the assassination or unlawful killing or assaulting of any executive or other officer of the United States or of any state or of any civilized nation having an organized government because of his official character, or any other crime, with intent to teach, spread or advocate the propriety of the doctrines of criminal anarchy; or

4. Organizes or helps to organize or becomes a member of or voluntarily assembles with any society, group or assembly of persons formed to teach or advocate such doctrine, is guilty of a felony and punishable by imprisonment in the state prison

for not more than ten years nor less than three year, or by a fine of not more than five thousand dollars, or both.

Liability of editors and others. SECTION 3. Every editor or proprietor of a book, newspaper or serial and every manager of a partnership or incorporated association by which a book, newspaper, or serial is issued, is chargeable with the publication of any matter contained in such book, newspaper, or serial. But in every prosecution therefor, the defendant may show in his defense that the matter complained of was published without his knowledge or fault and against his wishes, by another who had no authority from him to make the publication and whose act was disavowed by him so soon as known.

Assemblage of anarchists. SECTION 4. Whenever two or more persons assemble for the purpose of advocating or teaching the doctrines of criminal anarchy, as defined in sections 1 and 2 of this act, such an assembly is unlawful, and every person voluntarily participating therein by his presence, aid or instigation, is guilty of a felony and punishable by imprisonment in the state prison for not more than ten years nor less than three years, or by a fine of not more than five thousand dollars, or by both.

Permitting premises to be used for assemblages of anarchists. SECTION 5. The owner, agent, superintendent, janitor, caretaker, or occupant of any place, building or room, who wilfully and knowingly permits therein any assemblage of persons prohibited by any of the provisions of this act, or who, after notification that the premises are so used, permits such use to be continued, is guilty of a misdemeanor, and punishable by imprisonment in the county jail for not more than one year, nor less than three months, or by a fine of not more than one hundred dollars, or both.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved May 21, 1903.

No. 107, S.]

[Published May 22, 1903.]

CHAPTER 344.

AN ACT, making additional appropriations to the regents of the university of Wisconsin for current expenditure and various university needs and for investigation.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Additional state tax for current university expenditures, including those for domestic science and allied subjects, amount of and how expended. SECTION 1. There shall be levied and collected annually an additional state tax amounting to the sum of forty-eight thousand and five hundred dollars, which amount, when so levied and collected, is annually appropriated to the university fund income, to be used as a part thereof, for current expenditures; provided, that seven thousand and five hundred dollars thereof shall be applied annually to the uses of the college of agriculture; seven thousand and five hundred dollars thereof to the uses of the college of engineering; four thousand dollars thereof to the uses of the school of commerce; five thousand dollars thereof in aid of the pre-medical course of instruction; seventeen thousand dollars thereof to other uses of the college of letters and science; and seven thousand and five hundred dollars for domestic science and allied subjects; and provided that in applying the same the regents may adjust the expenditure to the varying needs of different years.

Appropriations for books, etc. SECTION 2. There shall be levied and collected annually for the period of two years an additional state tax amounting annually to the sum of seven thousand and five hundred dollars, which amount, when so levied and collected, is for the period aforesaid appropriated to the university fund income of the university of Wisconsin for the purchase of books for the university library.

Appropriations for chemical building and other uses; approval of governor of plans and estimates. SECTION 3. There is hereby appropriated annually for the period of two years from the general fund of the state out of any moneys not otherwise

appropriated, the sum of one hundred thousand dollars, to the university fund income of the university of Wisconsin, for uses and purposes as follows, not exceeding the sums hereinafter stated for the purposes specified, and by reducing the respective sums so stated ratably or otherwise as the regents shall determine, so that in the aggregate they shall not exceed the said sum of one hundred thousand dollars for each of two years, to-wit: twenty-five thousand dollars for the equipment of agricultural hall; thirty thousand dollars for the purchase of apparatus; one hundred thousand dollars for the construction of a chemical laboratory building; ten thousand dollars for changes and repairs in science hall; fifteen thousand dollars for the construction of a building for instruction in agricultural mechanics; fifteen thousand dollars for extension and equipment of shops; and eighteen thousand dollars for the purchase of lands for the enlargement of the university farm and campus. The said sums so appropriated may be expended in such manner and at such times for the purposes aforesaid as in the judgment of the regents shall seem best, provided that no plan or plans shall be adopted, and no contract or contracts shall be entered into by the regents of the university of Wisconsin for the construction of any building or other structure or thing specified in this act, until such plans and contracts with estimates of the total costs thereof shall have been submitted to and in writing approved by the governor of the state, who shall withhold such approval until he shall satisfy himself by a personal examination of the same and by such other means as he in his discretion may adopt, that any such building, structure or thing can and will be erected and fully completed according to such plans or contracts, for a sum not exceeding the amount hereby appropriated for such particular purpose. To enable the regents to expedite the completion of the construction of said chemical building, they are hereby authorized to borrow the moneys necessary therefor, to the extent only of the appropriations made for such building by this section, and then only to the extent absolutely needed, from the trust funds of the state, and the commissioners of the public lands of the state are hereby authorized to lend the same to said regents at the minimum rate of interest prescribed by law for the loan of said trust funds, such loan to be payable at the times the appropriations made by this section are payable, and to be paid from the appropriations for such building. For all loans provided for in this section, the president and secretary of the regents shall execute officially to the commissioners of the public lands, cer-

tificates of indebtedness in the form prescribed by the attorney general of the state, which shall as they mature be paid from the appropriations made for said building in this section of this act.

Appropriations for cranberry and tobacco culture and investigations for state board of health. SECTION 4. There is hereby appropriated annually for the period of two years from the general fund of the state, out of any moneys not otherwise appropriated, the additional sum of five thousand and five hundred dollars to the university fund income of the university of Wisconsin for uses and purposes as follows, to-wit: twenty-five hundred dollars annually for two years for investigations tending to the enlargement and improvement of the cranberry industry of the state, including the study of the shortage and supply of waters, suitability of marshes, the best methods of planting, flooding, draining and cultivating the berry and combating its diseases; fifteen hundred dollars annually for two years for investigations in the growth and curing of tobacco; and fifteen hundred dollars annually for two years for the establishment and maintenance of a hygienic laboratory in connection with existing bacteriological laboratories with proper and necessary apparatus for the chemical and bacteriological examination of water supplies and of the cases of infectious and contagious diseases peculiar to man and animals, and the use of which laboratory, so far as necessary and as arranged satisfactorily to the regents, shall be given to the state board of health.

Duty of secretary of state. SECTION 5. The secretary of state is hereby authorized and directed to include in the appropriate tax levies the sums ordered levied and collected by this act.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved May 20, 1903.

No. 128, S.]

[Published May 23, 1903.]

CHAPTER 345.

AN ACT, to amend section 491 of the statutes of 1898 as amended by section 1 of chapter 57 of the laws of 1899 and amend section 492 of the statutes of 1898 relating to joint high school districts.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

How joint free high school district may be formed; effect of creation of new town or village in school territory. SECTION 1. Section 491 of the statutes of 1898 as amended by section 1 of chapter 57 of the laws of 1899, is hereby amended by adding at the end of said section so amended, the following: "The creation of a new town or incorporation of a village out of the territory included in a free high school district shall not dissolve nor otherwise affect such district, but such towns or town and village shall thereafter constitute a joint high school district. A town, school district, incorporated village or city contiguous to a free high school district may become joint with such district upon the approval and submission of a resolution proposing the same and the terms thereof and notice of election signed by a majority of the supervisors of each town directors of each school district, a common council of each city and trustees of each village, if any, to be affected and the adoption of such resolution by a majority of all the votes cast in each such town, school district, city or village, the election to be had and the result canvassed and determined in the manner provided herein for the organization of a joint high school district in the first instance." So that said section when so amended shall read as follows: "Two or more adjoining towns or school districts, or one or more towns or school districts and an incorporated village or city, when the same together will make a district of contiguous territory, may unite in establishing and maintaining any such high school. The resolution proposing the same shall be approved and submitted and the notice of election signed by at least a majority of the supervisors of each town, the directors of each school district, the common council of such city and trustees of such village,

if any, and the election shall be notified and conducted in each town, school district, city or village as provided in the preceding section. Such resolution shall not be adopted unless a majority of the votes cast in each such town, school district, city or village be in favor thereof. The votes shall be canvassed at the first election, and all subsequent elections in the several towns as at town meetings, in the several school districts as at annual school district meetings, in the city, if any, as at a charter election, and in the village, if any, as at village elections; and the supervisors of the several towns, directors of said school districts, common council of such city and trustees of such village shall, within one week after such election, meet and canvass the votes and certify the result to the town clerk of each town, the clerk of each school district, the clerk of such city, and to the village clerk of such village. If such resolution be adopted, the town, or towns, school district or school districts and city and village, so voting, shall constitute a joint high school district. The creation of a new town or incorporation of a village out of the territory included in a free high school district shall not dissolve nor otherwise affect such district but such towns or town and village shall thereafter constitute a joint high school district. A town, school district, incorporated village or city contiguous to a free high school district may become joint with such district upon the approval and submission of a resolution proposing the same and the terms thereof, and notice of election signed by a majority of the supervisors of each town, directors of each school district, common council of each city, and trustees of each village, if any, to be affected and the adoption of such resolution by a majority of all the votes cast in each such town, school district, city or village, the election to be had and the result canvassed and determined in the manner provided herein for the organization of a joint high school district in the first instance.

District officers. SECTION 2. Section 492 of the statutes of 1898 is hereby amended to read as follows: Section 492. The officers of each such district shall be a director, treasurer and clerk, whose terms shall be each three years beginning with the annual town meeting, and until his successor shall have been chosen; provided, that at the first election the clerk shall be chosen for one year, the treasurer for two years and the director for three years, and all of said officers may be chosen first at the same election at which the question of establishing a high school is submitted, to take their offices if the resolution

therefor be adopted. Thereafter such officers shall be elected at the annual town meeting or charter election. The votes cast shall be canvassed and the result declared and certified as provided in the preceding sections. But in all cities not under a county superintendent which now constitute free high school districts or which shall hereafter adopt the resolution provided for in section 490 and become free high school districts, the board of education in each such city shall be the high school board and the city treasurer shall be ex officio the treasurer of the high school district unless the board of education embrace a treasurer; and in all districts maintaining a graded school of not less than two departments which now constitute free high school districts or which shall hereafter adopt said resolution, the district board in each shall be the high school board and the district treasurer shall be the treasurer of the high school district. Whenever a sub-district shall vote to establish and maintain a free high school, such sub-district shall constitute a free high school district, shall elect a free high school board, the clerk for one year, the treasurer for two years and the director for three years; thereafter one officer shall be elected annually in place of the one whose term expires at the annual meeting of such sub-district, and such high school board shall perform all the duties and have the same authority as high school boards in towns or districts. The clerk shall certify all taxes levied for high school purposes to the town, city or village clerk, who shall apportion the same upon the taxable property of the sub-district, and the treasurers of such municipality shall collect the taxes thus apportioned and pay over the same to the high school treasurer and return the delinquent taxes to the county treasurer as in other cases. Where a high school district consists of two or more towns or school districts or one or more towns or school districts and an incorporated village or city, the officers thereof shall be elected for the same terms as in other districts by joint vote of the town boards of such towns or the board or boards of the school district or districts, town or towns and three members selected by the board of the village or council of the city which have united in forming such district. Such town boards shall hold their first meeting to elect officers at two o'clock P. M. on the first Tuesday following the town meeting, at the office of the clerk of the town having the largest population, and thereafter shall meet for such purpose at the same time at such place as may be determined upon. The first meeting of the board or boards of a town or towns or a school district or districts with the mem-

bers selected by the board of any village or council of any city which forms such a district shall be held at two o'clock P. M. on the first Tuesday next following the village or city election at the office of the clerk of such village or city; all subsequent meetings shall be held at the same time at such place as may be determined upon. A majority of all the members representing such town or towns, school district or districts and such village board or city council shall be necessary to constitute a quorum. The secretary of the meetings of such boards shall certify the names of the officers of the district elected thereat to all the clerks of the towns school districts, village or city in the district. The officers so elected shall have the same authority, be charged with the same duties and be under the same liabilities as other officers of such districts.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved May 20, 1903.

No. 85, S.]

[Published May 23, 1903.

CHAPTER 346.

AN ACT, amendatory of section 3586 of the statutes of 1898 in relation to the delivery of docket and papers by justices of the peace.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Delivery of docket to, or calling in, another justice. SECTION 3586 of the statutes of 1898 is hereby amended by adding after the word "undetermined" in the fourth line of said section the following: "he may call in some other justice of the same town or" so that said section when so amended shall read as follows: Section 3586. If any justice of the peace shall be about to be absent from the county for three days or more or be unable from sickness to attend to business, when there shall be pending before him any matter or action undetermined, he may call in some other justice of the same town or he may deliver

his docket and all the papers relating to such matter or action, with a minute of his proceedings therein, to some other justice of the same town who may thereupon proceed to hear, try and determine such matter or action in the same manner as if such matter or action had been commenced before him and with like effect; but the parties to such matter or action, their agents or attorneys shall be notified of such transfer previous to any hearing or trial of such matter or action, and the justice having such docket may, whilst the same shall remain in his possession, upon request of any party entitled thereto, issue execution upon or give a certified transcript of any unsatisfied judgment appearing therein, with like effect as if issued by the justice so delivering such docket to him.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 20, 1903.

No. 56, S.]

[Published May 23, 1903.

CHAPTER 347.

AN ACT, to authorize certain corporations organized under the laws of this state, and located in border counties, to consolidate with certain corporations organized under the laws of any adjoining state.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Consolidation of, when authorized. SECTION 1. Any street or interurban railway company organized under the laws of this state, which has its location or principal place of business in a county constituting one of the border counties of this state, and which possesses the functions and powers of building, running, operating or maintaining a street or interurban railway, or of manufacturing, generating, transmitting, furnishing or selling gas, electricity or steam for lighting, heating or power purposes; or which possesses any combination or union of any two or more of the functions and powers aforesaid, may unite

or consolidate with any one or more corporations organized under the laws of any adjoining state, having its location or principal place of business in a county in such state adjoining such border county of this state, and which, under the laws of such adjoining state possesses any one or more of the functions and powers aforesaid, or any combination or union thereof; provided that no such consolidation shall be made or effected between corporations owning, maintaining or operating competing roads, lines, works, plants or business.

Agreement of directors, to contain what. SECTION 2. The directors of any such two or more corporations, so proposing to consolidate, may enter into an agreement for the consolidation of such corporations, prescribing the terms and conditions thereof; the mode of carrying the same into effect; the name of the new corporation; the location and principal place of business thereof; the number of directors thereof, which number shall not be less than three, and the names of those who shall be the first directors and who shall hold office as such until the first election of directors; the time and place of holding the first election of directors of the consolidated company, which time shall not be less than three no more than eight months after such consolidation; the general officers of such new company; the amount of the capital stock thereof; the number of shares into which the same shall be divided and the par value of each share; the manner of converting the shares of capital stock in each of the constituent companies, into shares in such new corporation, and such other details as may be deemed necessary to perfect such consolidation, or authorize or limit its bonded indebtedness.

Ratification by stockholders. SECTION 3. Such agreement shall not be deemed to be the agreement of such consolidating corporations until it shall have been ratified either by the vote of at least three-fourths of the capital stock of each of such corporations at a separate meeting of the stockholders of such corporation, held pursuant to a notice of the secretary thereof, stating the objects and purposes of such meeting, and which shall have been published at least once in each week for two successive weeks prior to such meeting, in some newspaper printed in the English language and published at the county seat of the county in this or in any other state in which such corporation has its principal place of business; or by the consent in writing to such agreement signed and acknowledged by all of the stockholders of any such corporation.

Agreement to be filed with secretary of state and register of deeds. SECTION 4. Upon the ratification of such agreement, in either of the modes aforesaid, by the stockholders of all of the corporations, who are parties thereto, such agreement together with every such consent annexed thereto, together also with, and annexed thereto a copy of the record of the proceedings had or taken at the meeting of stockholders of any such corporation for the ratification of such agreement as aforesaid, exhibiting the vote taken thereat upon the question of such ratification, certified to be such copy by the secretary of such corporation under the seal thereof; and also having annexed thereto a statement of the secretary of each such corporation, verified by his oath, setting forth the amount of the capital stock thereof, the number of shares into which the same is divided, the names of the stockholders and the number of shares held by each; and setting forth also in respect to any such consent of the stockholders of any such corporation that the same was signed and acknowledged by all the stockholders thereof, and in respect to the meeting of stockholders of any such corporation called for the purpose of ratifying such agreement, and so ratifying the same as aforesaid, that the persons named as present or represented at such meeting are the identical persons so named in such statement as stockholders therein, shall be filed in the office of the secretary of state, and a copy thereof, certified by such secretary to be such copy, shall be recorded in the office of the register of deeds, in each county of this state, in which any such constituent corporation has its principal place of business, and in the county wherein the location and principal place of business of such new corporation may be fixed by, or designated in such agreement, if that be a county in this state, other than a county in which one of said constituent companies has its principal place of business; and then and thereupon such consolidation shall be deemed complete. A copy of such agreement, so filed, and of the documents, papers and proceedings annexed thereto, and filed therewith, as required by this act, certified by the secretary of state to be such copy under the great seal of the state, shall be received in all courts of this state as prima facie evidence of the formation, existence and capacity of such consolidated corporation, in any suit or proceeding brought by or against the same, and of all the facts therein stated.

Powers. SECTION 5. Such consolidated company shall have and succeed to all the property, powers, rights, privileges, franchises and immunities possessed and enjoyed by the constitu-

ent corporations forming the same, which were organized under the laws of this state; and shall be charged with all their liabilities; and such new corporation shall be subject to all restrictions and perform all duties imposed upon it by the laws of this state, and shall be and constitute a body corporate, under and by virtue of the laws of the state of Wisconsin.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved May 21, 1903.

No. 44, S.]

[Published May 23, 1903.

CHAPTER 348.

AN ACT, to amend section 373a, as amended by chapter 53 of the laws of 1899, and section 373b, constituting the free library commission directing said commission to purchase and circulate traveling libraries and increasing the appropriation for said commission.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

How constituted; officers; appropriations; office; printing, etc.

SECTION 1. Sections 373a as amended by chapter 53 of the laws of 1899, and 373b are hereby amended to read as follows:
Section 373a. The governor shall appoint two persons for terms of five years each, who, with the president of the university, the state superintendent and the secretary of the state historical society, shall constitute a free library commission. Appointments to fill vacancies shall be made by the governor for the unexpired term. The officers of the commission shall be a chairman to be elected from the members thereof for the term of one year, and a secretary not of its own number, to be appointed by the commission, and who shall serve at the will of the commission, under such conditions and for such compensation as to it shall seem adequate. Said secretary shall keep a record of the proceedings of the commission, keep accurate accounts of its financial transactions, have charge of its work in

organizing new libraries and improving those already established, and in general perform such duties as may from time to time be assigned him by said commission. In addition to his salary he shall be allowed his actual and necessary traveling expenses while absent from his office upon the service of the commission, such expenses, when approved by the chairman or acting chairman, to be certified under oath to the secretary of state in the same manner as other bills incurred by the commission. Said commission may also engage, from time to time, as desired, such other clerical and expert assistance as shall be requisite in the performance of the work of the commission as set forth in this section. The commission shall give advice to all free libraries and to all communities which may propose to establish them as to the best means of establishing and administering such libraries, selecting and cataloging books, and other details of library management, and may send any of its members to aid in organizing such libraries or in the improvement of those established. It shall establish a department of traveling libraries in charge of an officer especially qualified, and shall purchase books and supplies for traveling libraries and accept gifts for them. Said department of traveling libraries shall also aid in establishing and supervising county systems of traveling libraries. The said commission may also co-operate with other state library commissions and libraries in the publication of documents in order to secure the more economical administration of the work for which it is formed. Said commission shall make a biennial report to the governor. No member of such commission shall be compensated for his services, but accounts for the traveling expenses of the members thereof in attending meetings or in visiting, or establishing libraries, and other necessary incidental expenses connected with their duties, may be audited by the secretary of state when certified by the chairman and secretary of the commission. There is annually appropriated to said commission the sum of twelve thousand dollars, and any balance not expended in any one year may be added to the expenditure for any ensuing year.

373b. The commission shall also be allowed the use of suitable offices and equipment in the capitol, and the secretary of state shall audit the duly certified bills of the commission for postage, expressage and telegraphing, and the state superintendent of public property shall audit necessary bills for freight. The state printer, upon the order of the commissioners of public printing, shall print such circulars, labels and blanks and bind such material as may be required.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 20, 1903.

No. 66, A.]

[Published May 23, 1903.

CHAPTER 349.

AN ACT, to amend chapter 274 of the laws of 1899 as amended by chapter 182 of the laws of 1901, relating to child labor.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Places in which employment is prohibited; permit, by whom granted. SECTION 1. Chapter 274 of the laws of 1899, as amended by chapter 182 of the laws of 1901, is hereby amended so as to read as follows:

SECTION 1. No child between the ages of fourteen and sixteen years shall be employed at any time in any factory or workshop, bowling alley, bar room, beer garden, in or about any mine, store, office, hotel, mercantile establishment, laundry, telegraph, telephone, public messenger service or work for wages at any gainful occupation at any place, unless there is first obtained from the commissioner of labor, state factory inspector, any assistant factory inspector, or from the judge of the county court or municipal court or from the judge of a juvenile court where such child resides, a written permit authorizing the employment of such child within such time or times as the said commissioner of labor, state factory inspector, any assistant factory inspector, county judge, municipal judge or judge of a juvenile court may fix. No child under fourteen years of age shall be employed at any time in any factory or workshop, bowling alley, bar room, beer garden, or in or about any mine. No child under fourteen years shall be employed, required or suffered to work for wages at any gainful occupation at any time except that during the vacation of the public school in the town, district or city where any child between the ages of twelve and fourteen years resides, it may be employed in any

store, office, hotel, mercantile establishment; laundry, telegraph, telephone or public messenger service in the town, district or city where it resides, and not elsewhere, provided, that there is first obtained from the commissioner of labor, state factory inspector, any assistant factory inspector, county judge, municipal judge, or from the judge of a juvenile court where such child resides, a written permit authorizing the employment of such child within such time or times as the said commissioner of labor, state factory inspector, any assistant factory inspector, county judge, municipal judge or judge of a juvenile court may fix. The said commissioner of labor, state factory inspector, any assistant factory inspector, county judge, municipal, or judge of a juvenile court shall keep a record, stating the name, date and place of birth and place of school attended by any such child, and the county judge, municipal judge or such judge of a juvenile court shall report when so requested by the commissioner of labor or state factory inspector, the number of permits issued by him from time to time as hereinbefore provided. When the commissioner of labor, state factory inspector, any assistant factory inspector, county judge, municipal judge, or judge of a juvenile court has reason to doubt the age of any child who applies for such permit, commissioner of labor, state factory inspector, any assistant factory inspector, county judge, municipal judge or judge of a juvenile court shall demand proof of such child's age by the production of a verified baptismal certificate or a duly attested birth certificate, or in case such certificate can not be secured, by the record of age stated in the first school enrollment of such child, and if such proof does not exist or cannot be secured then by the production of such other proof as may be satisfactory to said commissioner of labor, state factory inspector, any assistant factory inspector, county judge, municipal judge or judge of a juvenile court, and no permit shall be issued unless proof of such child's age is filed with the said commissioner of labor, state, factory inspector, any assistant factory inspector, county judge, municipal judge or judge of a juvenile court. Whenever it appears that a permit has been obtained by a wrong or false statement as to any child's age, the commissioner of labor, state factory inspector, any assistant factory inspector, county judge, municipal judge or judge of a juvenile court of the county where such child resides shall revoke such permit.

Owners to keep register of minors employed; permit. SECTION 2. It shall be the duty of every person, firm or corporation, agent or manager of any firm or corporation employing minors

in any mine, factory or workshop, bowling alley, bar room, beer garden, store, office, hotel, mercantile establishment, laundry, telegraph, telephone or public messenger service within this state to keep a register in the place where such minor is employed, and subject at all times to the inspection of any factory inspector, or assistant factory inspector, in which register shall be recorded the name, age and date of birth, place of residence, of every child employed, permitted or suffered to work therein, under the age of sixteen years, and it shall be unlawful for any person, firm or corporation, agent or manager of any firm or corporation to hire or employ, permit or suffer to work in any mine, mercantile establishment, factory or workshop, bowling alley, bar room, beer garden, store, office, hotel, laundry, telegraph, telephone or public messenger service, any child under sixteen years of age unless there is first provided and placed on file in such mine, mercantile establishment, factory or workshop, bowling alley, bar room, beer garden, store, office, hotel, laundry, telegraph, telephone or public messenger, a permit granted by either the commissioner of labor, state factory inspector, any assistant factory inspector, county judge, municipal judge, or judge of a juvenile court of the county where such child resides.

Limit of hours of work; time of day or night. SECTION 3. No person under the age of sixteen years shall be employed, required, permitted or suffered to work for wages at any gainful occupation longer than ten hours in any one day, nor more than six days in any one week, nor after the hour of nine at night nor before the hour of six in the morning, provided that this section shall not apply to boys carrying newspapers between the hours of four and six in the morning.

Duty of commissioner of labor and factory inspectors. SECTION 4. It shall be the duty of the commissioner of labor, the factory or assistant factory inspector to enforce the provisions of this act, and to prosecute violation of the same before any court of competent jurisdiction in this state. It shall be the duty of said commissioner of labor or the factory or assistant factory inspectors, and they are hereby authorized and empowered to visit and inspect, at all reasonable times, and as often as possible, all places covered by this act.

Certificate of physical fitness may be demanded. SECTION 5. The commissioner of labor, the factory or assistant factory inspector shall have the power to demand a certificate of physical

fitness, from some regularly licensed physician, in the case of children who may seem physically unable to perform the labor at which they may be employed, and no minor shall be employed who cannot obtain such a certificate.

Minor under sixteen not to run elevator. SECTION 6. No firm, person or corporation shall employ or permit any child under sixteen years of age to have the care, custody, management or operation of any elevator.

Terms defined. SECTION 7. The words "manufacturing establishment," "factory" or "workshop" as used in this act shall be construed to mean any place where goods or products are manufactured or repaired, dved, cleaned or stored, stored or packed, in whole or in part, for sale or for wages, and not for the personal use of the maker or his or her family or employer.

Fine and penalty. SECTION 8. Any person, firm or corporation, agent or manager of any corporation who, whether for himself or for such firm or corporation or by himself or through agents, servants, or foreman, shall violate or fail to comply with any of the provisions of this act or shall hinder or delay the commissioner of labor, the factory or assistant inspectors or any or either of them in the performance of their duty or refuse to admit or shut or lock them out from any place required to be inspected by this act, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than ten dollars nor more than one hundred dollars for each offense. Any corporation which, by its agents, officers or servants, shall violate or fail to comply with any of the above provisions of this act shall be liable to the above penalties, which may be recovered against such corporations in action for debt or assumpsit brought before any court of competent jurisdiction.

Fine. SECTION 9. Any parent or guardian, who suffers or permits a child to be employed, or suffered or permitted to work, in violation of this act shall be guilty of a misdemeanor and upon conviction thereof, shall be fined not less than five nor more than twenty-five dollars.

Evidence of age, what is. SECTION 10. When in any proceeding in any court under this section there is any doubt as to the age of any child, a verified baptismal certificate or a duly

attested birth certificate shall be produced and filed with the court. In case such certificates cannot be secured, upon proof of such fact, the record of age stated in the first school enrollment of such child shall be admissible as evidence thereof.

Conflicting laws repealed. SECTION 2. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved May 21, 1903.

No. 556, A.]

[Published May 23, 1903.]

CHAPTER 350.

AN ACT, to prohibit bucket-shops and bucket-shopping within the state of Wisconsin, and concerning board of trade transactions.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Bucket shop defined; intent of act. SECTION 1. A bucket shop, within the meaning of this act, is defined to be an office, store or other place wherein the proprietor or keeper thereof, either in his or its own behalf, or as the agent or correspondent of any other person, corporation, association or co-partnership within or without the state, conducts the business of making, or offering to make, contracts, agreements, trade or transactions respecting the purchase or sale, or purchase and sale, of any stocks, grains, provisions, or other commodity, or personal property, wherein both parties thereto, or said proprietor or keeper, contemplate or intend that such contracts, agreements, trades or transactions shall be, or may be, closed, adjusted or settled according to, or upon the basis of, the public market quotations of prices made on any board of trade or exchange, upon which the commodities or securities referred to in such contracts, agreements, trades or transactions are dealt in, and

without a bona fide transaction on such board of trade or exchange; or wherein both parties, or such keeper or proprietor shall contemplate or intend that such contracts, agreements, trades or transactions shall be, or may be, deemed closed or terminated when the public market quotations of prices made on such board of trade or exchange, for the articles or securities named in such contracts, agreements, trades or transactions, shall reach a certain figure; and also any office, store, or other place where the keeper or proprietor thereof, either in his or its own behalf, or as agent as aforesaid, therein makes or offers to make, with others, contracts, trades or transactions for the purchase or sale of any such commodity wherein the parties do not contemplate the actual or bona fide receipt or delivery of such property, but do contemplate a settlement thereof based upon differences in the prices at which said property is, or is claimed to be, bought and sold. The said crime shall be complete against any proprietor or keeper thus offering to make any such contracts, trades or transactions, whether such offer is accepted or not. It is the intention of this act to prevent, punish and prohibit, within this state, the business now engaged in and conducted in places commonly known and designated as "bucket shops," and also to include the practice now commonly known as "bucket shopping" by persons, corporations, associations or co-partnerships, who or which ostensibly carry on the business or occupation of commission merchants or brokers in grain, provisions, petroleum, stocks and bonds.

Penalty; forfeiture. SECTION 2. It shall be unlawful for any corporation, association, co-partnership or person to keep, or cause to be kept, within this state, any bucket shop; and any corporation or person, whether acting individually or as a member, or as an officer, agent, or employe of any corporation, association or co-partnership, who shall keep or assist in the keeping of any bucket shop within this state, shall upon conviction thereof, be fined in a sum not less than twenty-five dollars and not more than one hundred dollars and be imprisoned in the county jail until such fine is paid, not exceeding six months; and any person or persons who shall be judicially determined guilty of a second offense under this statute, in addition to the penalty above prescribed, shall, upon conviction, be imprisoned in the county jail for a period of not less than ten days and not more than sixty days, and if a corporation, shall be liable to forfeiture of its charter; and the continuance of such establishment after the first conviction shall be deemed a second offense.

An accessory defined; penalty. SECTION 3. Any corporation, association, co-partnership or person who shall communicate, receive, exhibit or display in any manner, any statements of quotations of the prices of any property mentioned in section one hereof, with a view to any transaction in this act prohibited, shall be deemed an accessory, and upon conviction thereof shall be fined and punished the same as the principal, and as provided in section two of this act.

A written statement of facts, may be demanded; transactions prima facie valid. SECTION 4. It shall be the duty of every commission merchant, co-partnership, association, corporation or broker doing business as such to furnish, upon demand, to any customer or principal for whom such commission merchant, broker, co-partnership, corporation or association has executed any order for the actual purchase or sale of any of the commodities hereinbefore mentioned, either for immediate or future delivery, a written statement containing the names of the parties from whom such property was bought, or to whom it shall have been sold, as the case may be, the time when, the place where, and the price at which the same was either bought or sold; and in case such commission merchant, broker, co-partnership, corporation or association shall refuse to promptly furnish such statement upon reasonable demand, the fact of such refusal shall be prima facie evidence that such property was not sold or bought in a legitimate manner. Every purchase or sale, or purchase and sale, and all other transactions by or between members of any lawfully constituted chamber of commerce or board of trade, organized under or by virtue of the laws of this state, and in accordance with the charter of such corporation and the rules, by-laws, and regulations adopted thereunder, shall be prima facie valid.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved May 21, 1903.

No. 217, A.]

[Published May 23, 1903.]

CHAPTER 351.

AN ACT, to divide the town of Tomahawk, Lincoln county, and to create the town of Bradley, and fixing the place of holding the town meetings in said towns.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Town of Bradley defined. SECTION 1. All that portion of the town of Tomahawk, Lincoln county, lying in range number six (6) east comprising township number thirty-five (35) and sections number one (1) to eighteen (18) inclusive in township numbered thirty-four (34) excepting the territory therein included within the boundaries of the city of Tomahawk is hereby set off and detached from said town of Tomahawk, and the same is hereby created into a separate town to be known and designated as the town of Bradley.

Powers conferred. SECTION 2. The said town of Bradley shall upon the election of the officers and their qualification as hereinafter provided, possess and have all the rights, powers, privileges and be charged with the liabilities of other towns in this state, and as by law provided.

Assets and liabilities apportioned. SECTION 3. The assets and liabilities of the town of Tomahawk shall be apportioned to the said town of Bradley pro rata in proportion as the valuation of the taxable property of the said town of Bradley bears to the whole of the assessed valuation of the town of Tomahawk as now constituted according to the assessment roll for the year 1903.

First town meeting; where and when held. SECTION 4. The first annual town meeting of the town of Bradley shall be held on the regular town meeting day fixed by law in the spring of 1904 at the place of the last annual town meeting of said town of Tomahawk and the annual town meeting of the town of Tomahawk for the year 1904 shall be held in the building known as the Public Hall at Spirit Falls in said town located on section

three (3) township No. thirty-four (34) north, in range No. four (4) east.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved May 21, 1903.

No. 214, A.]

[Published May 25, 1903.

CHAPTER 352.

AN ACT to amend section 1931 of the statutes of 1898, relating to town insurance companies.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1931 of the statutes of 1898 is hereby amended by striking out all of line six after the word "towns" in said line, and all of line seven to the word "no," so that said section when so amended, shall read as follows:

May insure what; against cyclones, etc., when. Section 1931.. No such corporation shall insure any property out of the town or towns in which it is located; provided, that it may, at its annual meeting, authorize its directors to insure any farm property or detached dwelling house and contents in any adjoining city or village, town or towns or in any city or incorporated village which is located in such town or towns. No such corporation shall insure any property other than detached dwellings and their contents, farm buildings and their contents, live-stock in possession, use or running at large, farm products on premises and farming tools, implements and machinery; but it may, at any annual meeting authorize its directors to insure country stores and their contents, school-houses town and society halls, churches, country hotels, water mills, cheese factories and creameries, but no such last mentioned risk shall exceed twenty-five hundred dollars. And it may at such time authorize its directors to insure any of the classes of property herein mentioned against damage or

loss by wind storms, cyclones and tornadoes under the same rules and restrictions as relate to insurance by it against damage or loss by fire; provided, that a request in writing, signed by at least ten members of the corporation be filed with the secretary at least thirty-five days before the next annual meeting of the corporation requesting that the question of insuring against damage or loss by wind storms, cyclones and tornadoes be submitted at such meetings, and that the secretary give thirty days' notice by mail to each member of the corporation at his post-office address, that said question will be submitted at such meeting.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 21, 1903.

No. 297, A.]

[Published May 25, 1903.

CHAPTER 353.

AN ACT, to authorize Erwin G. Boynton and Orlando Holway, their heirs, successors and assigns to build and maintain a dam across Black river in Jackson county, Wisconsin, for the purpose of improving the navigation of said river and for the manufacture of flour, feed and other milling products and the generation and transmission of electric and hydraulic power and for other manufacturing purposes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Location of dam; purpose. SECTION 1. Erwin G. Boynton Orlando Holway, their heirs, successors or assigns, are hereby authorized to build and maintain a dam across Black river in Jackson county, Wisconsin, on section number three (3) in township number twenty-two (22) north of range number three (3) west in said county and state, of the height of thirty-five feet above low water mark, for the purpose of improving the navigation of said river, for the manufacture of flour, feed and other milling products, and the generation and transmission of

electric and hydraulic power and to furnish power for other manufacturing purposes or other lawful purposes.

Slide or chute. SECTION 2. Said Erwin G. Boynton and Orlando Holway their heirs, successors or assigns, shall provide and furnish said dam with sufficient slide or chute for the safe discharge of logs, which shall be 25 feet in width, substantially constructed and of sufficient length to graduate the descent from within two feet from its top to the mean level of the water below; provided that the provisions of section 1601, statutes of 1898, shall not apply to the dam erected under this act.

Fishway. SECTION 3. The dam so erected shall be provided with a good and sufficient fishway to be approved by the state board of commissioners of fisheries, and said fishway shall at all times be kept in good repair and open for the free and easy passage of fish up and down said dam. In case the owner or owners of said dam shall neglect or refuse to construct or keep in good repair, or keep open such fishway, as required by the provisions of this act, they shall upon conviction thereof, be fined not less than twenty-five dollars nor more than one hundred dollars.

Piers and guide booms. SECTION 4. The dam so erected shall be provided with such piers and guide booms as may be necessary for the free and safe passage of logs at the expense of the owner of such dam.

Rights, when forfeited. SECTION 5. The rights and privileges granted by this act shall be forfeited unless the dam herein mentioned shall be partly or wholly constructed and be operated for the production of power within six years after the passage of this act; provided, that the privileges granted herein shall not be construed as giving the right to obstruct the flow of water, so as to materially interfere with the rights and privileges granted to La Crosse & Black River Railway Company, J. S. Owen & Co., and J. J. McGillivray, in dams heretofore authorized to be maintained by them on Black river.

Intent of act. SECTION 6. No corporate powers or privileges are granted or intended to be granted by this act, and the same shall not be construed or deemed to grant such powers or privileges.

Legislative rights reserved. SECTION 7. The power to alter, amend or repeal this act is hereby reserved.

Section 8. This act shall take effect and be in force from and after its passage and publication.

Approved May 20, 1903.

No. 523, A.]

[Published May 25, 1903.

CHAPTER 354.

AN ACT, amendatory of section 1210e of the statutes of 1898 relating to the recovery of damages arising from a failure to make a proper assessment of benefits and damages, as provided by law.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Stay of proceedings; new assessment; judgment, costs. SECTION 1. Section 1210e of the statutes of 1898 is hereby amended so as to read when so amended as follows: Section 1210e. If in any action at law for the recovery of damages arising from a failure to make a proper assessment of benefits and damages, as provided by law, or failure to observe any provisions of law, or because of any act or defect in any proceeding in which benefits and damages are assessed, and in any action to set aside any special assessment against property for any of the purposes mentioned in section 1210d, or to set aside any special assessment certificate, special improvement bond, tax sale or tax sale certificate based upon such special assessment, the court determines that such assessment is invalid by reason of a defective assessment of benefits and damages, or for any cause, it shall stay all proceedings in such action until a new assessment thereof be had in the manner hereinafter mentioned; thereupon the proper city authorities shall proceed to make a new assessment of benefits and damages against the property of the plaintiff as required by law in the case of such original assessment, and such plaintiff shall have the same right to appeal from such new assessment as he or his grantors would

have had from such original assessment. If the plaintiff desire to contest the validity of such new assessment he shall, within ten days after its confirmation by the common council, file with the clerk of the court and serve upon the defendant's attorney his objections to such new assessment; and thereupon the court shall direct an issue to be made involving the objections aforesaid, try the same summarily and file an order sustaining or overruling the objections of the plaintiff. If by such order such new assessments be held invalid, subsequent assessments may be made in like manner and similar proceedings resorted to to determine the validity of such assessment. When the amount to be assessed against the plaintiff's property has been finally determined by an assessment of benefits and damages, which the court shall hold to be valid, or when an appeal is taken, the court shall make an order, requiring the plaintiff to pay into court, within a time to be fixed by such order, for the benefit of the parties entitled thereto, the amount which, based upon such valid new assessment, he ought to justly pay, or which should be justly assessed against the property in question; upon compliance with said order judgment shall be entered for the plaintiff with costs. If the plaintiff fails to comply with such order the action shall be dismissed with costs."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 20, 1903.

No. 476, A.]

[Published May 25, 1903.

CHAPTER 355.

AN ACT, to amend section 335d, chapter 20, of the statutes of 1898, relating to binding of reports.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Public documents, how bound. SECTION 1. Section 335d of chapter 20 of the statutes of 1898 is hereby amended by inserting in line five from the top after the words "five thousand," the following: "Of the state board of health one thousand," so that when amended the section shall read as follows: Section 335d. The copies of said reports which are not required to be bound in the public documents shall be bound as follows: of the secretary of state, three thousand; of the state treasurer, state superintendent, commissioner of labor statistics, five hundred each; of the dairy and food commissioner, five thousand; of the state board of health, one thousand; of the railroad commissioner, state board of control, the board of regents of the university, two hundred each shall be bound separately in cloth; all others shall be bound in paper. Five hundred copies of the governor's message shall be bound in cloth; the others in paper.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 20, 1903.

No. 535, A.]

[Published May 25, 1903.]

CHAPTER 356.

AN ACT, to provide for acquiring land, locating, equipping and maintaining county houses of correction for the detention of persons who may be lawfully confined therein, and to dispose of lands now held for such purposes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

County board may acquire lands, etc., for house of correction.

SECTION 1. Whenever in any county in this state, which now maintains or shall hereafter maintain, under any law of the state of Wisconsin, or which shall desire to establish, or relocate and maintain a house of correction by whatsoever name known or called, for the detention of any person or persons who may be lawfully confined therein, the county board of such county may provide by resolution for acquiring, and may acquire, take and hold, by purchase or condemnation for, and in the name of such county, all necessary land upon which to locate, relocate and maintain such house of correction, by whatsoever name known or called; and for the erection, construction and maintenance thereon, of any and all necessary and convenient structures, buildings and machinery, and for the purchase of any and all furnishings, tools, appliances and equipments necessary therefor, or for the employment, as shall be determined by such county board, of any or all persons who may from time to time be confined therein; and whenever the county board of any county now maintaining a house of correction by whatsoever name known or called, shall have decided to change the location of its said house of correction as is hereby authorized and shall for such purpose have acquired land and thereon constructed and equipped buildings for such purpose, and prepared the same for use as such, and for the employment of persons confined therein, such county board shall provide for the removal thereto of all persons then confined in any other house of correction, by whatsoever name known or called in such county; and such county board may thereafter by resolution provide for the sale and conveyance of any real estate upon which any house of correction, by whatsoever name known or called, shall

have formerly been located or maintained, whenever such board shall declare the same to be no longer needed for the use of such county.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 20, 1903.

No. 553, A.]

[Published May 25, 1903.

CHAPTER 357.

AN ACT, amendatory of section 1210h of the statutes of 1898, relating to limitation on equitable suits.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

One year limitation on equitable suits. SECTION 1210h of the statutes of 1898, is hereby amended so as to read when so amended as follows: Section 1210h. Every action enumerated in section 1210c, and every action or proceeding to set aside any sale of lands for the non-payment of taxes, or to cancel any tax certificate, or to restrain the issuing of any tax certificate, or tax deed, for any error or defect going to the validity of the assessment, and affecting the ground-work of such tax, or on account of any void or defective special assessment, shall be commenced within one year from the date of such tax sale, and not thereafter. In every action brought to set aside any such sale, or to cancel any tax certificate, or to restrain the issuing of any tax deed upon any ground whatever not going to the validity of the assessment and affecting the groundwork of such tax or special assessment, the plaintiff, if he show himself otherwise entitled to judgment, shall, before the entry thereof within a reasonable time to be fixed by the court, pay into the court for the person or persons claiming under such tax sale or tax certificate the amount for which such land was sold, and the amount paid by such person or persons for taxes levied upon the premises subsequent to such sale, with interest on all such amounts at the rate of fifteen per cent. per

annum from the times of payment until the said money be so paid into court; and in default of such payment within the time so fixed the defendant shall have judgment in the action. This provision as to the payment into court to be made by the plaintiff shall apply to all actions brought to cancel any tax deed, or to remove the cloud upon any title created by any tax certificate or tax deed where the action impeaches the tax deed or tax certificate upon any grounds whatever not affecting the groundwork of the tax for the non-payment of which such deed or tax certificate was issued.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 20, 1903.

No. 578, A.]

[Published May 25, 1903.

CHAPTER 358.

AN ACT, to amend sections 693 and 717 of the statutes of 1898, relating to county depositories.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

County depositories, how designated; bonds. SECTION 693 of the statutes of 1898 is hereby amended by adding after the word "provided" where it occurs in the tenth line of said section the following: "except that in counties having a population of two hundred thousand inhabitants or over, the county board shall designate two or more depositories to receive the funds of the county, and such depositories shall be required to give a good and sufficient bond in the penal sum of twice the amount of the maximum deposit to be placed with such depository." And by adding after the word "depository" where it occurs in the thirty-fourth line of said section the words, "or depositories." And by adding at the end of said section the following clause: "In every case the depository or depositories so designated by the county board may, in lieu of the bond hereinbefore mentioned, file a surety company bond in the same penal sum." So that said section when so amended shall read as follows:

Section 693. The county board of every county may, upon compliance with the conditions hereinafter expressed, designate any bank, banking institution or trust company, organized and doing business under the laws of this state, a county depository. Every such bank, institution or company shall, before it shall be entitled to receive any moneys, of any county, file with the county clerk, on or before the first day of December, a good and sufficient bond in the same penal sum as the bond of the treasurer of such county, conditioned for the payment, upon demand, to such treasurer, or his order of all moneys deposited by him with it and interest thereon at the rate agreed upon as hereinafter provided; except that in counties having a population of two hundred thousand inhabitants or over, the county board shall designate two or more depositories to receive the funds of the county, and such depositories shall be required to give a good and sufficient bond in the penal sum of twice the amount of the maximum deposit to be placed with such depository. Such bond shall be signed with not less than three sureties, residents and freeholders of this state, who shall together be worth in property therein, not exempt from execution and over and above their debts and liabilities, double the amount of the penalty of the bond, and who shall justify their responsibility by their several affidavits. Said bond and the sureties thereon shall, before being so filed, be approved by the county board. Before any such bank, institution or company shall be designated as such depository, the following directions shall be complied with, viz.: every county clerk shall annually advertise, in one or more newspapers published in his county, or, if the public interest requires it, in one or more newspapers published elsewhere in this state, for at least two weeks before the annual meeting of the county board, for proposals to receive the county funds on deposit for one year from the first day of the following January. Said proposals shall be filed with said clerk at least one day before such meeting of said board, shall state the rate of interest the bidder will pay on daily balances, that such interest will be computed and credited to the county at the end of each month, and that such deposits and accrued interest will be held subject to draft and payment at all times on demand. If no such advertisement shall be made, said board may nevertheless consider any such proposals regularly filed; but if no proposal shall be filed the county board shall at its annual meeting serve written notice upon each such bank, institution or company in the county that such proposals will be received during such session; any proposals so received shall be considered by such board. After opening any proposals such board shall,

in its discretion, designate a county depository or depositories. If at any time after a designation is made the board shall, for good and sufficient reasons, deem the security given insufficient, it may require a new bond, and if, in its opinion, the public interest requires it, may vacate, revoke or modify such designation, and may at any special session, after giving written notice as herein required, again designate a depository for the remainder of the current calendar year, subject to the approval of the bond as hereinbefore required. In every case the depository or depositories so designated by the county board may, in lieu of the bond hereinbefore mentioned, file a surety company bond in the same penal sum.

Deposit of funds. SECTION 2. Section 717 of the statutes of 1898 is hereby amended by adding thereto the following: "Provided that in all counties having a population of two hundred thousand inhabitants or over, there shall be not less than two depositories," so that said section when so amended shall read as follows: Section 717. Whenever any county board shall have designated a county depository in accordance with the provisions of section 693, it shall be the duty of the county treasurer, as soon as the bond required by that section has been approved and filed, to deposit as soon as received all funds that come to his hands in that capacity in excess of the sum he is authorized by such board to retain in such depository, and any sum so on deposit shall be deemed to be in the county treasury, and such treasurer shall not be liable for any loss thereon resulting from the failure or default of such depository without fault or neglect on his part. Every such depository shall on the first business day of each month, and oftener when required, file with the county clerk a statement of the amount of county money deposited with it during the preceding month, and the treasurer shall at the same time file with such clerk a statement showing the amount of moneys received and disbursed by him during the previous month. The county board may fix the amount of money which may be retained by the treasurer but in no case shall the sum exceed three thousand dollars, provided, that in all counties having a population of two hundred thousand inhabitants or over, there shall not be less than two such depositories.

Section 3. This act shall take effect and be in force from and after its passage and publication.

Approved May 20, 1903.

No. 696, A.]

[Published May 25, 1903.]

CHAPTER 359.

AN ACT, amendatory of chapter 90 of the laws of 1901, entitled "An act to regulate the treatment and control of dependent, neglected and delinquent children in counties having over one hundred and fifty thousand population," as amended by chapter 97 of the laws of 1903, and to make said acts applicable to counties having over sixty-five thousand population.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Counties in which applicable. SECTION 1. The provisions of chapter 90 of the laws of 1901, entitled "An act to regulate the treatment and control of dependent, neglected and delinquent children in counties having over one hundred and fifty thousand population," as amended by chapter 97 of the laws of 1903, shall so far as applicable, be in force and applicable to all counties in this state, having over sixty-five thousand population as ascertained by the last state, or United States, census; provided, that in any county having over sixty-five thousand population and less than one hundred and fifty thousand population, according to said census, the judge of the municipal court for such county is hereby designated to hear, try and determine, at such time and place as he may set apart for such purpose, all cases coming under said acts and this act, and in case of the absence, sickness or other disability of such judge, he shall designate a judge of a court of record of such county whose duty it shall be to act temporarily in his place.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 20, 1903.

No. 113, S.]

[Published May 25, 1903.]

CHAPTER 360.

AN ACT, to prescribe and limit the duties and qualifications of city superintendent of schools in cities of the third class and to provide for his appointment by the school board or board of school commissioners; to provide for the proper supervision of public schools in cities of the third and fourth class.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Duty of city superintendent of schools; compensation. SECTION 1. In all cities of the third class there may be elected annually by the school board or the board of school commissioners a city superintendent of schools whose duties shall be: 1. To examine and license teachers according to the statutes of 1898 and laws amendatory thereto relating to the same; 2. To supervise the administration of the courses of study; 3. To have general supervision of the professional work of the schools of the city including the holding of teachers' meetings, and the promotion of pupils; 4. From time to time to make a written report to the school board embodying such recommendations relative to the employment of teachers, adoption of text books, changes in the courses of study, discipline, and such other matters as he may deem for the welfare of the city schools; 5. To make such other reports and to perform such other duties as the school board or board of school commissioners may direct and which are not in conflict with the provisions of this act. The school board or board of school commissioners shall determine the annual compensation to be paid said city superintendent of public schools from the school funds of said city.

Superintendent not to engage in other business. SECTION 2. This act shall apply to all cities of the third and fourth class whether said cities are governed by special charters or by the general charter, or are working under the district system of election and government of school affairs. Hereafter no city superintendent of schools shall engage in any other profession, occupation or pursuit, for such time and in such manner as shall interfere with the proper discharge of his duties as such

during the term for which he is elected. A violation of any of the provisions of this section shall subject the offender to removal from office; provided, that this section shall not be construed to bar any city superintendent of schools from being principal of or teaching in any school under his supervision.

City superintendent, how appointed; school board. SECTION

3. In all cities of the third and fourth class where the city superintendent of schools at the present time is elected or appointed, in some other manner or by some other body than the school board or board of school commissioners, the office shall cease to exist at the expiration of the term for which the present incumbent was elected, and the duties now prescribed for his office shall be provided for by the school board or board of school commissioners as follows: 1. The duties enumerated in section 1 of this act, formerly devolving on said city superintendent, shall be assumed by the superintendent elected or to be elected by the school board or board of school commissioners; if no city superintendent of schools be so chosen in cities of the third class, and in all cities of the fourth class, the high school principal shall assume and discharge said duties. In those cities within whose limits there shall be more than one high school, the board of education or board of school commissioners shall designate which principal shall assume and execute such duties. 2. The school board or board of school commissioners shall annually choose one of their own number chairman. 3. Said board shall elect a secretary, either of their own number, or not, to perform the clerical duties of the board at such compensation as they may name. The city superintendent of schools chosen by the school board or board of school commissioners shall not be eligible to membership on the school board, nor shall he be president or chairman of said board.

Eligibility, qualifications required. SECTION 4. No person shall be eligible to the office of city superintendent of schools whose legal qualifications are not equivalent to those required for the principalship of a four years high school.

Conflicting laws repealed. SECTION 5. All acts and parts of acts in conflict with this act are hereby repealed.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved May 20, 1903.

No. 256, S.]

[Published May 25, 1903.

CHAPTER 361.

AN ACT, to provide for the assessment and collection of taxes on mineral rights and reservations.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Mineral rights and reservations taxable; how assessed. SECTION 1. Any and all rights and reservations to enter upon and take away any mineral from any lands within the state of Wisconsin granted by or reserved in any deed or conveyance of such lands the title to which right or reservation is vested or may hereafter become vested in any person or corporation other than the owner of the fee to which such right or reservation is attached, is hereby declared to be taxable, and the same shall be separately assessed for taxation upon the written request of the owner of the fee to which such right or reservation is attached and not otherwise, and upon his furnishing to the assessor satisfactory proof of such separate ownership, and like proceedings had thereon relating to the levy, collection and sale thereof for the nonpayment of taxes against the same as are in force from time to time for the levy and collection of taxes on real estate and the sale of the same for the nonpayment thereof.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 20, 1903.

No. 385, S.]

[Published May 25, 1903.

CHAPTER 362.

AN ACT, to make a record of the termination of life estates, and of the survivorship of tenants by the entirety.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Certificate of the termination of life estates. SECTION 1. Whenever a person has died or shall hereafter die who was during his or her lifetime entitled to an estate for life, in any real estate in this state or whenever one joint tenant or tenant by the entirety in any real estate has died or may hereafter die leaving surviving his cotenant, the county judge of the county in which said real estate is situated may upon application by duly verified petition of any person interested in such real estate issue under the seal of the county court, a certificate, setting forth the fact of the death of such life tenant, or of such joint tenant, or tenant by the entirety, and the termination of such life estate, or the right of survivorship of any joint tenant or tenant by the entirety, and the termination of such life estate, or the right of survivorship of any joint tenant or tenant by the entirety, and other facts essential to a determination of the rights of the parties interested, which certificates when recorded in the office of the register of deeds of the county in which such real estate is situated shall be prima facie evidence of the facts therein recited.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 20, 1903.

No. 399, S.]

[Published May 25, 1903.]

CHAPTER 363.

AN ACT, to amend section 959—30 of the statutes of 1898, relating to permanent public improvements.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Assessments; extension of. SECTION 1. Section 959—30 of the statutes for the year 1898 is hereby amended so as to read as follows: Section 959—30. Whenever in any city of the first, second or third class, however incorporated, a contract for making any permanent public improvement on a concrete foundation has been let, the expense whereof, or any portion thereof, shall be chargeable to adjacent lots or lands, and specifications together with an estimate of the cost of such work have been prepared and filed, and the necessary assessments of benefits and damages against the several lots, parts of lots or parcels of land which may be deemed benefited or damaged by the proposed permanent improvement shall have been made and approved or confirmed, and the contract for such improvement shall have been entered into, the board of public works, or if there be no such board, the common council may, within two weeks after the letting of such contract, by resolution determine that any owner or owners of any lots, parts of lots or parcels of land which may be assessed for benefits on account of such improvement, shall have the option, at any time within thirty days after the passage and publication of such resolution, to apply for an extension of the payment of such assessment of benefits to his or their property by paying therefor in equal annual installments for such a period as the board of public works or the council may in such resolution determine, not less than five and not exceeding ten years, the first installment to become due and payable, without interest, immediately after the completion of the first tax sale succeeding the date of the bond hereinafter provided for.

Conflicting laws repealed. SECTION 2. All acts or parts of acts contravening the provisions of this act are hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved May 21, 1903.

No. 276, S.]

[Published May 25, 1903.

CHAPTER 366.

AN ACT, to amend section 1 of chapter 355 of the laws of 1897, relating to the number and salaries of the assistants of the superintendent of public property.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Additional assistants authorized. SECTION 1. Section 1 of chapter 355 of the laws of 1897 is hereby amended by striking out in said section under the subdivision "superintendent of public property" the words "two firemen" and insert in lieu thereof the words "three firemen," and also by adding at the end of said subdivision the words, "one man, at a salary of seventy-five dollars per month, who shall attend to the electrical work, and such other work as the superintendent of public property shall direct."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 20, 1903.

No. 684, A.]

[Published May 25, 1903.]

CHAPTER 367.

AN ACT, to authorize the secretary of state to draw certain warrants on the general fund for the purposes set forth in this act.

Preamble. Whereas, the Keystone National Bank and the Douglas County Bank, of West Superior, Wisconsin, in 1895 are designated as depositories of state funds and as such received from the state certain moneys and gave their bonds to the state as provided by laws; and

Preamble. Whereas, both of these banks have ceased to do business and failed and all assets thereof have been exhausted; and

Preamble. Whereas, actions have heretofore been brought by the state against said banks and against the sureties on their said bonds; and

Preamble. Whereas, all available resources of said banks and said bonds have been exhausted in the attempt to collect the amounts due the state from said bank; and

Preamble. Whereas, it appears that no further amounts can be collected and that said Keystone National Bank is indebted to the state in the sum of eight thousand, one hundred and sixty-six dollars and twenty-one cents, and the said Douglas County Bank in the sum of fifteen thousand, one hundred and eighty-two dollars and nineteen cents, and that it is desirable that these accounts against said banks be no longer carried on the books of the treasury department as assets of the state.

Therefore,

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Warrants; how credited. SECTION 1. The secretary of state is hereby authorized and directed to draw two several warrants on the general fund in favor of the state treasurer: one for the sum of eight thousand, one hundred and sixty-six dol-

lars and twenty-one cents, and one for the sum of fifteen thousand, one hundred and eighty-two dollars and nineteen cents; the warrant for the sum of eight thousand, one hundred and sixty-six dollars and twenty-one cents to be credited on the books of the state treasurer to the Keystone National Bank, and the warrant for fifteen thousand, one hundred and eighty-two dollars and nineteen cents to be credited on the books of the state treasurer to the Douglas County Bank, and the total amount of said warrants shall be credited on the books of the state treasurer against the general fund of the state.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 20, 1903.

No. 602, A.]

[Published May 25, 1903.]

CHAPTER 368.

AN ACT, to provide for the transportation of wood.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Transportation of firewood. SECTION 1. Section 1800 of the statutes of 1898, is hereby amended by adding after the word "time" in the fourth line, the words "or when piled at a station in quantities sufficient to load one car," and by striking out all after the word "owner" in the ninth line, so that said section when so amended shall read as follows: Section 1800. No railroad corporation shall be compelled to transport fire wood unless the same shall be piled at some reasonably convenient point on its line, in quantities sufficient to load at least five cars at a time, or when piled at a station siding in quantities sufficient to load one car. When that is done the corporation, upon five days' notice to the nearest station agent or other proper officer, shall, with all convenient dispatch, provide sufficient cars and transport such wood as required by the shipper at prices per car load, not more than the tariff of rates then in force for transportation of rails, fence posts and railroad ties; but such wood shall be loaded and unloaded by the owner."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 20, 1903.

No. 599, A.]

[Published May 25, 1903.

CHAPTER 369.

AN ACT, to amend section 1418 of the statutes of 1898, relating to slaughter houses.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Slaughter house; penalty. SECTION 1. Section 1418 of the statutes of 1898 is hereby amended so as to read as follows:

Section 1418. No person shall erect, maintain or keep any slaughter house upon the bank of any river, running stream or creek; or throw, or deposit therein, any dead animal, or any part thereof, or any of the carcass or offal therefrom; nor throw or deposit the same into or upon the banks of any river, stream or creek, which shall flow through any city, village or organized town, containing two hundred or more inhabitants; or erect, maintain or use any building for a slaughter house at any place within one-eighth of a mile of any dwelling house or a building occupied as a place of business; and every person who shall violate any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished, for each such violation, by a fine of not less than ten dollars nor more than one hundred dollars, or by imprisonment in the county jail not exceeding six months; and the mayor of the city, president of the village, and the chairman of the town, in which any such slaughter house is located, shall have power to and shall cause the same to be immediately removed; and every such officer who shall knowingly permit any slaughter house to be used or maintained contrary to the provisions of this section shall forfeit not less than fifteen dollars nor more than fifty dollars. In any county containing a population of one hundred thousand or over, all the provisions of this section relating to slaughter houses shall apply to all

establishments and manufactories in which dead animals, or any part thereof, or of the carcass or offal therefrom, are collected and converted into marketable products.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 20, 1903.

No. 469, A.]

[Published May 25, 1903.

CHAPTER 370.

AN ACT, relating to the right of way of railroads through lands owned or held by the state, and amendatory of section 1857 of the statutes of 1898.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1857 of the statutes of 1898 is hereby amended so as to read when amended, as follows:

Right of way through public lands. Section 1857. The commissioners of public lands shall have the right to sell and convey for the purpose of a railroad, to any railroad corporation for such compensation and upon such terms as they may fix, a strip of land one hundred feet wide through each and every tract of lands owned or held by the state across which a railroad has been or shall be located or constructed, but such corporation shall so soon as the route of its road shall be definitely fixed, deposit in the office of the commissioners of public lands, a plat exhibiting all such lands and the location of such route through the same and shall have no right to take or use any such lands so sold prior to the depositing of such plat. The commissioners of public lands may also sell and convey to any such corporation, upon such terms and for such compensation as they may fix, any lands owned by the state, which may be required for the purposes of a railroad in excess of the aforesaid one hundred feet. Every deed or patent for any such lands shall contain an express reservation unto the state of the title of such lands except as to the use of the same by such corporation or its successors or assigns for railroad purposes.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 20, 1903.

No. 286, A.]

[Published May 25, 1903.

CHAPTER 371.

AN ACT, to constitute and declare the Central Wisconsin State Fair Association of Marshfield, Wood county, Wisconsin, to be a county agricultural society under the provisions of section 1460, of the statutes of 1898, and entitled to state aid upon complying with the provisions of section 1463, of the statutes of 1898.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:—

County agricultural society. SECTION 1. The Central Wisconsin State Fair association of Marshfield, Wood county, Wisconsin, is hereby constituted and declared to be a county agricultural society under the provisions of section 1460, of the statutes of 1898, and entitled to state aid upon complying with the provisions of section 1463, of the statutes of 1898.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 20, 1903.

No. 396, S.]

[Published May 25, 1903.

CHAPTER 372.

AN ACT, to amend section 1 of chapter 239 of the laws of 1899, entitled, "An act to appropriate certain sums of money to the regents of the university of Wisconsin," etc., etc., "and a water tower for the supply of water to the capitol."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Purpose of appropriation. SECTION 1. Line ten of section 1 of chapter 239 of the laws of 1899 is hereby amended by inserting after the words "water tower" the words "or other suitable apparatus," so that the paragraph as amended shall read: "and for an adequate water tower or other suitable apparatus for the supply of water to the capitol, the further sum of sixteen thousand dollars."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 20, 1903.

No. 682, A.]

[Published May 25, 1903.

CHAPTER 373.

AN ACT, to revise and amend section 1007 of the statutes of 1898, relating to statement of sales of real estate.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Statement of sales of real estate; what sales excluded. SECTION 1. Section 1007 of the statutes of 1898 is hereby revised and amended so as to read as follows: Section 1007. Each register of deeds shall annually make and transmit to the secretary of state on or before the fifteenth day of September, a

statement, in tabular form, of all conveyance of real estate, including executory contracts for the sale of lands, made and recorded in his county during the year ending on the first day of said month which appear to have been made under ordinary conditions in the usual course of business for a consideration expressed wholly in money. He shall exclude from such statement all conveyances which appear to be made for a nominal consideration, all conveyances made upon or under execution, foreclosure or other judicial order or decree or by tax deed or by deeds of release or quit claim, or mortgages or deeds of trust intended as security, all conveyances in which the consideration recited or some portion thereof appears to be something other than money, and all in which the description of land conveyed does not substantially correspond with descriptions upon the tax roll of the preceding year. Such statement shall show:

- (1) The date of each conveyance;
- (2) The date, volume and page of the record thereof;
- (3) A brief description of the lands included in such conveyance;
- (4) If the lands conveyed are unplatted, the number of acres conveyed;
- (5) The consideration stated in the deed or other instrument of conveyance;
- (6) The assessed valuation of the property as shown upon the last tax roll preceding the date on which such report was required to be made;
- (7) Such other facts or information as may be required under the provisions of section 1009.

In preparing such statement the conveyances of land in each assessment district shall be given under the name of such district separately from the conveyances of lands in other districts. In case any conveyance shall include lands in more than one assessment district it shall be excluded from such statement.

A duplicate of such statement shall be filed in the office of the county clerk on or before the fifteenth day of September.

The county clerk shall prepare an abstract of such statement showing by assessment districts separately the total number of acres and of lots or other parcels of platted lands so conveyed, the total of the considerations and of the assessed valuations thereof, in each district, as shown by such statement, and shall cause such abstract to be printed and laid before the county board at its annual session in November in each year.

Additional statements; compensation. SECTION 2. Each register of deeds shall make and transmit to the secretary of state such further information relating to conveyances, contracts and mortgages of real estate recorded in his county as the commissioner of taxation may request. For any written statement prepared under the provisions of this section the register of deeds shall be entitled to eight cents per folio, to be audited by the secretary of state and paid out of the state treasury.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved May 21, 1903.

No. 37, S.]

[Published May 27, 1903.

CHAPTER 374.

AN ACT to amend chapter 216, laws of 1899, relating to investment associations.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Investment associations, etc., to comply with building and loan association laws. SECTION 1. Section 1 of chapter 216, laws of 1899, is hereby amended so as to read as follows:

Section 1. No foreign person, and no foreign co-partnership, association or corporation, heretofore organized or which may hereafter be organized, doing business as a so-called investment, loan, benefit, trust or guarantee company, for the licensing, control and management of which there is no law now in force in this state, and which such person, co-partnership, association or corporation shall solicit payments to be made either in a lump sum or periodically or on the installment plan, issuing therefor so-called bonds, shares, coupons, certificates of membership or other evidences of obligation or agreement or pretended agreement to return to the holder thereof money or anything of value at some future date, shall solicit nor transact any business in this state unless such person, co-partnership, association, or corporation shall have first complied with all the provisions prescribed in chapter 93 of the statutes of 1898 required of for-

oreign building and loan associations authorized to do business in this state.

Supervision of such associations, etc. SECTION 2. Section 2 of chapter 216, laws of 1899, is hereby amended so as to read as follows:

Section 2. All provisions of said chapter 93 with respect to the supervision, control and conditions upon which foreign building and loan associations are permitted to do business in this state are hereby made applicable to and imposed upon persons, co-partnerships, associations or corporations described in the first section of this act.

Penalty. SECTION 3. Section 3 of chapter 216 of the laws of 1899, is hereby amended so as to read as follows: Any person, corporation or association who shall act as agent or solicit business for any such person, co-partnership, corporation or association or who shall solicit membership in any such co-partnership, corporation or association, not authorized to do business in this state, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by fine of not less than one hundred dollars nor more than one thousand dollars, or by imprisonment in the county jail, not less than three months, nor more than one year, or by both such fine and imprisonment.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved May 20, 1903.

No. 31, S.]

[Published May 25, 1903.

CHAPTER 375.

AN ACT, to authorize cities of the first class to establish and operate depots for fuel supplies and to acquire lands, buildings and docks necessary for such purposes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Depots for fuel supplies in cities of first-class. SECTION 1. Every city of the first class whether operating under general or special charter, is hereby authorized and empowered by a vote of three-fourths of the members-elect of the common council of such city, to establish and operate depots for the purchase, sale and supply of fuel to its citizens, pursuant to such regulations to be adopted by the common council of such city. The common council of every such city is hereby authorized to formulate and adopt such regulations concerning the purchase, sale and supply of fuel as aforesaid, as it may deem just and proper.

Powers conferred. SECTION 2. Every such city is hereby authorized and empowered to acquire by gift, grant, or purchase for the purposes aforesaid, suitable lands, buildings and docks, to erect and construct such buildings and docks if necessary and to outfit and maintain the same, and to provide the necessary means for the purpose of transporting and distributing such fuel.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved May 21, 1903.

No. 115, S.]

[Published May 25, 1903.]

CHAPTER 376.

AN ACT, amendatory of section 702, statutes of 1898, relating to the official bonds of county officers.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Execution, approval, record, sureties, and compensation for.

SECTION 1. Section 702, of the statutes of 1898, is hereby amended, so that said section when so amended shall be and read as follows:

Section 702. Every official bond required by law of any county officer shall be executed to the proper county by its corporate name, and after approval thereof shall be recorded at the cost of the officer in the office of the register of deeds of his county and shall then be filed with the county clerk, and shall be in such sum as directed by law, or if not so definitely directed, then in such sum as shall be fixed by resolution of the county board of supervisors, for such officer; and every such bond and the sufficiency of the sureties thereto shall be approved by a committee consisting of the chairman of the county board of supervisors and of not less than two additional members of the board, who shall report their action upon all bonds, in writing, to the board; and whenever the county board shall deem any such bond insufficient said board may by resolution require an additional bond in such sum as said resolution shall direct, not exceeding the amount fixed by law in any case, to be executed, approved and recorded in like manner and filed within twenty days after notice thereof. To each such official bond shall be annexed the affidavit of each surety thereto that he is worth a sum therein stated, to be at least two thousand dollars, over and above all his debts and liabilities, in property not by law exempt from execution. The county board may, by resolution, duly adopted, require the county treasurer and county clerk to furnish as surety on their official bonds, surety companies, and to pay such companies out of the general funds in the county treasury, the commission of such surety company or companies, for such security. The compensation to be paid to such company or companies shall be determined by agreement

between them and the county board, and in no event, shall the compensation to be paid for such security exceed one-eighth of one per centum upon the amount named in said bond.

SECTION 2. Any and all acts or parts of acts conflicting or inconsistent with the provisions of this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved May 21, 1903.

No. 382, S.]

[Published May 25, 1903.

CHAPTER 377.

AN ACT, amendatory of subdivision 3 of section 1102 of the statutes of 1898, relating to the collection of taxes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Proceedings; costs; execution. SECTION 1. Subdivision 3 of section 1102, of the statutes of 1898, is hereby amended so as to read when so amended as follows: 3. Whether he is justly liable for the payment of such tax or any part thereof; and if any of said questions shall be established in the negative the defendant shall be discharged with his costs; but if the defendant shall refuse to answer such relevant questions as shall be put to him or if he shall fail to establish either of said questions in the negative, judgment shall be entered against the defendant for the amount of such tax which he ought to pay, with costs of such proceedings. No stay of execution shall be allowed on any such judgment except in case of appeal; and no property of such defendant shall be exempt from levy and sale upon execution issued thereon. The justice shall reduce the examination of the defendant and of all witnesses produced and examined by either party to writing, and cause the same to be signed by the persons so examined.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 21, 1903.

No. 662, A.]

[Published May 23, 1903.]

CHAPTER 378.

AN ACT relating to the taxation of mortgages and mortgaged real estate.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Terms defined. SECTION 1. For the purposes of this act the term "mortgage" shall be construed to include every mortgage or other conveyance of real estate and every lien thereon created by contract, given or intended as security for the payment of money, and shall also include the indebtedness secured to be paid by such mortgage or other conveyance or lien. The term "mortgagee" shall be construed to include the holder of any such security, and the term "mortgagor" shall be construed to include the owner of the real estate subject to such security or the person entitled to redeem therefrom.

Separate assessments, when made. SECTION 2. Whenever taxable real estate shall be subject to mortgage such mortgage for the purposes of taxation shall be deemed an interest in such real estate and shall be assessed and taxed as such interest in the assessment district in which such real estate is located, and not otherwise and may be separately assessed and taxed as hereinafter provided. When so separately assessed the interest of the mortgagor in such real estate shall be assessed for only such value or amount as shall remain after deducting the assessed value of the interest of the mortgagee from the assessed value of the entire real estate.

Both interests may be assessed together, when. SECTION 3. At the option of the mortgagor both such interests may be assessed and taxed together, without separate valuation, to the mortgagor or occupant the same as unincumbered real estate. In such case the combined valuation of both interests shall not exceed the just valuation which should be placed upon such real estate if unincumbered.

Rules of assessment. SECTION 4. In case the interest of the mortgagee shall be separately assessed, the following rules shall be observed:

1. The valuation of the interest of the mortgagee shall be according to the true value thereof upon the same basis that other taxable property is valued in the same district, and such valuation shall not exceed the just valuation which should be placed upon the mortgaged real estate if unincumbered.

2. If more than one mortgaged interest in the same real estate shall be required to be separately assessed and it shall be found necessary to reduce the valuation of such interests in order not to exceed the just value of the mortgaged real estate, such reduction shall be made upon such interests in the inverse order of their priority.

3. If the several parcels of real estate requiring separate valuation shall be subject to one mortgage, the interest of the mortgagee shall be apportioned among such several parcels according to the just valuation of such parcels. In case such parcels shall be situated in more than one assessment district the amount of the interest of the mortgagee to be assessed in each district shall be in proportion to the value of such real estate in such district, which proportions shall be determined by the assessors of such districts, or a majority of such assessors at a meeting which may be called for that purpose by one or more of them by notice in writing, specifying a time and place for such meeting in one of such districts, to be served personally or by leaving the same at the residence of the assessor to be served, in time to enable the person served to be present.

4. Where the valuation of buildings as improvements is required to be separately noted upon the assessment roll as provided by chapter 92 of the laws of 1901, the value of such improvements shall be apportioned between the valuation of the interests of the mortgagor and the valuation of the interest of the mortgagee in proportion to the valuation of their respective interests as entireties.

SECTION 5. When the interest of a mortgagee in any real estate shall be separately assessed and taxed as provided in this act, the tax on such interest shall constitute a lien upon such real estate the same as other taxes upon real estate, and the collection thereof may be enforced the same as other taxes upon real estate. Such tax if uncollected, shall be separately returned as delinquent; but at the tax sale, if unredeemed, the interest of the mortgagor and the mortgagee shall be sold together for the amount of taxes on both interests, with interest and charges thereon, and a single certificate of sale shall be issued thereon. The mortgagor may pay the tax on the interest of the mortgagee, or may redeem the land from the lien of such tax after

its return as delinquent. The amount so paid, with interest thereon at the rate specified in the mortgage, shall be a lawful offset in favor of the mortgagor against the indebtedness secured by such mortgage and may be deducted from any amount then due or thereafter to become due on such indebtedness.

Taxpayer may be examined under oath. SECTION 6. The second clause of section 1056 of the statutes of 1898 is hereby amended so as to read as follows: To determine the amount of money and of debts due and to become due, other than debts secured by mortgage or other conveyance of real estate in this state, for which any person should be assessed, and the amount of bona fide and unconditional debts owing which any person may be entitled to deduct from credits as exempt, such person shall be required to make a statement thereof under oath, giving the average amount of such moneys and of such debts due and to become due other than debts secured by mortgage or other conveyance of real estate in this state owned or held by him, and the average amount of debts by him owing which he may be so entitled to deduct, for each and every month during the year ending on the first day of May; and the average amount for such year, so determined, shall be assessed for taxation.

Exemption on account of debt, when not allowed. SECTION 7. The exemption on account of debts owing provided in subdivision 10 of section 1038 shall not be allowed in respect to any mortgage required to be assessed as an interest in real estate under the provisions of this act, nor in reduction of or offset to the indebtedness secured by any such mortgage.

Mortgages unaffected by this act. SECTION 8. All provisions of law whereby mortgages of real estate held by insurance companies or other persons or associations are exempted from taxation, either expressly or by necessary implication shall remain unaffected by the provisions of this act.

Mortgages unaffected by this act. SECTION 9. The provisions of this act shall not apply to mortgages upon property assessed by a state board of assessment nor to mortgages upon property of persons, associations or corporations taxed by license fee or other special method in lieu of taxation upon such mortgaged property, but shall apply only to mortgages upon property subject to direct assessment and taxation under the general assessment and tax laws of the state.

SECTION 10. This act shall take effect and be in force from and after its passage and publication, and shall apply to the assessment to be made in the year 1903.

Approved May 21, 1903.

No. 676, A.]

[Published May 25, 1903.]

CHAPTER 379.

AN ACT to legalize bonds for the payment of money issued by cities of this state heretofore made and negotiated without a vote of the people.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Bonds legalized. SECTION 1. All bonds for the payment of money heretofore issued by any city of this state for a lawful purpose and which have been heretofore sold and the consideration therefor received and used by such city for lawful municipal purposes shall not be held invalid for the reason that the question of issuing such bonds was not submitted to the people, and all bonds heretofore issued and negotiated as aforesaid and which are invalid for the reason only that any law as to a vote of the people was not complied with; are hereby declared to be legal, valid and binding obligations to the extent that the same would have been had the question of their issue been submitted to a vote of the people of such city.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 21, 1903.

No. 690, A.]

[Published May 25, 1903.]

CHAPTER 380.

AN ACT for the better collection of taxes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Action of debt to collect tax; duty of district attorney. SECTION 1. There is hereby added to chapter 49, statutes of 1898, an additional section to be known as section 1107a and to read as follows: 1107a. In addition to the other remedies provided in this chapter an action of debt shall lie in the name of the town, city or village, and, after the tax is returned as delinquent, in the name of the county, for any tax assessed against any person upon personal property remaining unpaid after the last day of January. Summons in such action shall issue at the request of the treasurer of the town, city, village or county as the case may be and shall be subject to all the rules of law and practice applicable to actions of debt. Such summons when issued by a justice of the peace may in addition to the other methods of service provided by law in justice's court be served as provided in any of sections 1100, 1170b, or 2637, statutes of 1898. Such summons shall state that it is issued for the collection of a tax and judgment may be entered and execution issued as provided in this chapter. It shall be the duty of the district attorney upon request to attend and prosecute any action or proceeding commenced under any of the provisions of this chapter for the collection of a tax.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 21, 1903.

No. 689, A.]

[Published May 25, 1903.]

CHAPTER 381.

AN ACT to provide for registry of electors at municipal and judicial elections in towns having a population of three thousand or more, and to fix a time for the meetings of the board of registry.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Board of registry; meetings. SECTION 1. Section 25 of chapter 5, of the statutes of 1898, is hereby amended by inserting after the word "election" where it occurs in the fourth line of said section the following: "And may also meet if registration is to be had at municipal or judicial elections, in towns having a population of three thousand or more, four weeks preceding such municipal or judicial election," so that said section 25, when so amended, shall read as follows: Section 25. The persons authorized by law to act as inspectors of election in each of such villages, towns, wards or election districts, shall constitute the board of registry therefor. They shall hold their first meeting on Tuesday, four weeks preceding the general election, and may also meet if registration is to be had at municipal or judicial elections in towns having a population of three thousand or more, four weeks preceding such municipal or judicial election, at the place where said election is to be held; and in election districts at which there were polled at the previous general election three hundred votes or less they shall sit for one day, and in districts at which there were more than three hundred votes polled they may sit two days, if necessary for the purpose of making such list. They shall meet at nine o'clock in the forenoon and hold their meeting open until eight o'clock in the evening of each day during which they shall so sit. The persons appointed to act as clerks of election shall act as clerks of such board on the day of election only. Their proceedings shall be open, and all electors of the district shall be entitled to be heard in relation to corrections or additions to said registry. They shall have the same power to preserve order which inspectors of election have on election days; and vacancies in the board shall be filled in the same manner that vacancies are filled at elections.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 21, 1903.

No. 680, A.]

[Published May 26, 1903.

CHAPTER 382.

AN ACT amending chapter 341 of the laws of 1899, entitled, "an act relating to caucuses and amending sections 11a to 11i inclusive, of 5, of the statutes of 1898."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Votes, how canvassed. SECTION 1. Chapter 341 of the laws of 1899, entitled, "an act relating to caucuses and amending section 11a to section 11i inclusive, of chapter 5 of the statutes of 1898," is hereby amended by striking out the word "majority" where it appears in the seventh line of section 9 of said chapter, and inserting in lieu thereof the word "plurality," and by further amending said section 9 by striking out the word "majority" where the same occurs in the eleventh line thereof and inserting in lieu thereof the word "plurality," so that said section when so amended shall read as follows: Section 9. Immediately after the close of the caucus, and after the canvass of the votes, the chairman and secretary of the caucus shall certify to the chairman of the city or county committee the names of the delegates so chosen at the caucus, giving the vote of the several candidates, and the persons receiving the plurality of votes shall be legally elected as such delegates, to represent said caucus district. In case of nomination of candidates for office, the name of the candidate receiving a plurality of all the votes shall be declared the nominee of the caucus, and his election shall be certified to the proper officers, to be placed upon the official election ballot.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 21, 1903.

No. 656, A.]

[Published May 26, 1903.

CHAPTER 383.

AN ACT to amend section 3 of chapter 405, laws of 1901, relative to the distribution of blue books.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Distribution of blue book. SECTION 1. Amend section 3, chapter 405, of the laws of 1901, by inserting after the word "legislature" where it occurs in the eighth line of said section 3, the words "two hundred fifty;" and further amend by inserting after the word "officer" where it occurs in said eighth line of said section 3 of said chapter 405, the words "and superintendent of public property."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 21, 1903.

No. 664, A.]

[Published May 26, 1903.

CHAPTER 384.

AN ACT to legalize the acts of the health department of cities of the first class, and amendatory of section 1024a of the statutes of 1898.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Blanks for and return of certificates; filing certificate by health officer; burial permits. SECTION 1. Section 1024a of the statutes of 1898 is hereby amended so as to read as follows: Section 1024a. Blanks for such certificates shall be furnished by the secretary of state through such register of deeds in the same manner as for the return of births and in cities of the first class

by the health officer thereof, and shall contain a space at the bottom for the registering of any important facts not specified in the preceding section, and also for the health officer or clerk to certify that the above is a true return of the said death and of all other facts there recorded, together with the date thereof; and it shall be the duty of such officer or clerk to return the same, duly certified, at the end of each month to the register of deeds of the county in which such death occurs, provided, however, that in cities of the first class the filing of a certificate by its health officer containing the facts set forth in such certificate, made from the records in his office, shall be deemed a compliance with this section. It shall be the duty of such register to furnish, at the expense of the county, to the health officers and such clerks, suitable blanks and instructions for burial permits. Said permits shall bear date when issued, give permission for the removal of the remains of the deceased, name and date and cause of death, location of the cemetery where buried, name of person to whom the permit was issued, and name of the attending physician, coroner, other physician, or justice of the peace, who signed the death certificate, and when issued shall be signed by the health officer or clerk issuing the same.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 21, 1903.

No. 508, A.]

[Published May 26, 1903.

CHAPTER 385.

AN ACT to authorize E. F. Decker, his heirs, associates and assigns, to raise, build and maintain a dam across Embarrass river in Waupaca county, Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Location of dam; construction of. SECTION 1. E. F. Decker, his associates, heirs and assigns, are hereby authorized to raise, build and maintain a certain dam across Embarrass

river in the county of Waupaca, in the state of Wisconsin, on the southwest quarter of section number five, township number twenty-five north, of range fifteen east, being the same dam known as the Palmer Dam, built in the year 1856, and since maintained by E. F. Decker and his associates, and under whom he and they claim; provided said dam shall be so raised and maintained as not to obstruct the running of logs and timber down said river; and provided the height of said dam shall not exceed nine feet above low water mark.

Act construed. SECTION 2. The dam heretofore built and maintained as specified in section 1 of this act is hereby validated and legalized. Nothing in this act shall be construed to in any way affect any pending litigation or any rights or causes of action already accrued.

Powers. SECTION 3. Said E. F. Decker, his associates, heirs and assigns, shall have the right to use the waters of said river and the water power created by such dam, for propelling any kind of machinery that he or they may at any time hereafter see fit to erect, and for the transmission of electric power. Also, to deposit and hold logs, timber, poles and posts in the pond created by said dam.

Piers and booms. SECTION 4. In connection with said dam, said E. F. Decker, his associates, heirs and assigns, are further authorized and empowered to build and maintain suitable piers and booms in and along said river, not extending more than 7,000 feet up said river from said dam, providing that said piers and booms shall be so constructed, operated and managed as not to materially obstruct or retard the free passage of logs or timber down said river.

Powers. SECTION 5. Said E. F. Decker, his associates, heirs and assigns, for the purpose of acquiring any flowage rights which he or they may deem necessary in carrying out the provisions of this act, may exercise all powers granted to corporations by sections 1777a to 1777d, inclusive, of the statutes of 1898.

Fishway. SECTION 6. There shall be built and maintained in the dam hereby authorized such fishways as may be required by the commissioners of fisheries.

Legislative rights reserved. SECTION 7. The legislature reserves the right to amend or repeal to this act.

SECTION 8. This act shall take effect and be in force from and after its passage and publication.

Approved May 21, 1903.

No. 305, A.]

[Published May 26, 1903.

CHAPTER 386.

AN ACT fixing the time of opening and closing the polls in counties of a population of not less than two hundred thousand inhabitants.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Polls, when opened and closed. SECTION 1. The polls at every election in each county of a population of not less than two hundred thousand inhabitants, shall be opened at six o'clock in the morning, and be closed at seven o'clock in the evening of the same day.

SECTION 2. All acts and part of acts inconsistent with the provisions of this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved May 21, 1903.

No. 262, A.]

[Published May 26, 1903.

CHAPTER 387.

AN ACT, relating to the granting of franchises by cities.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Ordinance granting franchise to be submitted to a vote of the voters, when. SECTION 1. From and after the passage of this act no ordinance for granting either a street railroad, electric lighting, gas, water or telephone franchise, or for the extension of the life of any such existing franchise shall be operative in any city in this state until after sixty days from the date of its passage, and if in any such case and during said period of sixty days a number of the qualified voters, equal to twenty per cent. of the total number of votes cast at the last preceding election in such city, shall demand that the ordinance be submitted to a direct vote of all the voters therein, such ordinance shall not be valid or operative until it shall have been so submitted and approved by a majority of those having voted upon it. The provisions of this section shall not apply to the extension of any existing line or system upon any street or highway, if the term of such extension expires at the same time as the franchise of which it is a part.

Demand for submission, how made. SECTION 2. In every such case the papers containing the demand for such direct vote shall be filed with the city clerk within the time specified, and each signer shall write his occupation and residence after his signature and the genuineness of the signer of each paper must be affirmed by the affidavit of a qualified voter.

Ordinance, when to be submitted. SECTION 3. Such submission of an ordinance shall be made at the next municipal election, or at a special election to be held within ninety days of the filing of the demand for a direct vote, as the common council may determine.

Ballot. SECTION 4. In submitting such ordinance to a direct vote the common council shall have clearly printed upon

the official ballot the title of the ordinance with the words "for" and "against" in capital letters, and each of the said two words shall be followed by a square, enclosed space for the voters' mark.

Election, how governed. SECTION 5. Except as herein otherwise provided every such election shall be governed by the general laws of the state.

Conflicting laws repealed. SECTION 6. All laws or parts of laws inconsistent with this act shall hereby be repealed.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved May 21, 1903.

No. 254, A.]

[Published May 26, 1903.

CHAPTER 388.

AN ACT, amendatory of section 5 of chapter 218, of the laws of 1899, entitled "An act to establish a district court in the county of Milwaukee, Wisconsin, as amended by section 1 of chapter 70, of the laws of 1901.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Jurisdiction of court. SECTION 1. Section 5 of chapter 218 of the laws of 1899 as amended by section 1, of chapter 70, of the laws of 1901, is hereby amended by inserting between the words "to deprive" and the words "any city," where they occur in the last sentence of said section 1, the following, "any justice of the peace of any town, or," and by striking out the words, "city or village," at the end of said section and inserting in lieu thereof, the words "town, city or village," so that said section when so amended shall read as follows:

Section 5. Said district court shall have exclusive jurisdiction to try and sentence all offenders against the ordinances of said city of Milwaukee, and it shall also have exclusive juris-

diction to hear, try and determine all charges for misdemeanors arising within said county otherwise triable before a justice of the peace, and in addition thereto said district court shall also have jurisdiction to hear, try and determine all charges for offenses arising within said county of Milwaukee, the punishment whereof does not exceed one year's imprisonment in the state prison or county jail, or a fine not exceeding five hundred dollars, or by both such fine and imprisonment; said court shall also have authority and jurisdiction to issue warrants for the apprehension of persons charged with the commission of offenses in said county of Milwaukee and not triable before a justice of the peace of said county; and exclusive jurisdiction to examine said alleged offenders and commit or hold them to bail, the same as a justice of the peace might otherwise do. Said district court shall in no event have or exercise jurisdiction in bastardy proceedings. Nothing herein contained shall be construed to deprive any justice of the peace of any town, or any city or village justice in any incorporated city or village in Milwaukee county, except only the city of Milwaukee, of jurisdiction to hear, try and determine complaints for the violation of any ordinance of any such town, city or village.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 21, 1903.

No. 206, A.]

[Published May 26, 1903.]

CHAPTER 389.

AN ACT, to amend chapter 24 of the laws of 1895, entitled
 "An act to establish a municipal court, in and for the city of
 Oshkosh and the county of Winnebago."

*The people of the state of Wisconsin, represented in senate and
 assembly, do enact as follows:*

SECTION 1. Section 1 of chapter 24 of the laws of 1895, is hereby amended by inserting between the words "cases" and "but," in the twenty-fifth line of said section the words "or vio-

lations of the ordinances and by-laws of the city of Oshkosh," so that said section when so amended shall read as follows:

Municipal court established. SECTION 1. A municipal court for the city of Oshkosh and county of Winnebago, is hereby established, under the name of municipal court for the city of Oshkosh and county of Winnebago; said court shall be a court of record; and have a clerk and seal with suitable device to be procured under the direction of the judge of said court, at the expense of the city of Oshkosh; said court may exercise powers and jurisdiction equal and concurrent with the circuit court of Winnebago county in all cases of crimes and misdemeanors arising in said county, except murder, and except where the persons accused shall demand, in writing, as herein provided, to be tried in said circuit court; such jurisdiction shall include the right to try and determine all appeals to such court, in criminal cases, from justices of the peace in said county, and the party appealing may, at his option, appeal to the county court of said county, or to said municipal court, or the municipal court of Neenah and Menasha. No justice of the peace or court commissioner, within said city shall exercise any jurisdiction in criminal or bastardy cases, "or violations of the ordinances or by-laws of the city of Oshkosh," but all such jurisdiction is vested in the judge of said court; and all examinations, recognizances and commitments from said judge and the other justices of the peace of said county, in criminal cases (except murder), and in bastardy cases, shall be certified and returned to said municipal court or the municipal court of Neenah and Menasha, instead of said circuit court, at or before the time fixed for the appearance of the accused; and the accused and all witnesses required to attend shall be committed to be brought or recognized to appear before said municipal court or such other court as they may be held to, on a day certain, not more than thirty days from the date of such commitment or recognizance; the judgment of said municipal court in criminal cases, tried upon information or upon appeal, may be review by the supreme court in the same manner as like judgment of the circuit court may be, and all judgments originally rendered by said court, or the judge thereof, in criminal cases of which justices of the peace have jurisdiction, may be appealed to and tried by the county court in the same manner as like judgments rendered by justices of the peace.

Salary of judge and of clerk, how paid. SECTION 2. Section nine of chapter 24 of the laws of 1895 is hereby amended by

inserting after the word "clerk" in the fifteenth line of said section nine the words "provided, however, that the county board shall have authority at any regular meeting thereof to increase the salary of the said clerk."

Section 9. The salary of the judge of said municipal court shall be the sum of two thousand four hundred dollars per annum, which shall be in full for all services rendered by said judge, to be paid as follows: Two-thirds of the same to be paid out of the county treasury of Winnebago county, and one-third to be paid out of the treasury of the city of Oshkosh, to be paid quarter-yearly, at the end of each quarter, out of said county and city treasuries, respectively. The salary of the clerk of said municipal court shall be one thousand dollars, to be paid in (the) same manner as the judge of said court is paid, and shall be in full for all services rendered by said clerk. Provided, however, that the county board, shall have authority at any regular meeting thereof to increase the salary of the said clerk. The said judge is authorized to tax and collect fees as follows: For all services rendered by him in civil and criminal actions, when exercising the powers of a justice of the peace, the fees allowed to justices of the peace, except as hereinafter provided; for hearing and deciding any motion, fifty cents; for issuing each venire, fifty cents; for making and recording all necessary orders, fifty cents each; for receiving and recording verdict of jury, fifty cents; taking and approving bail, fifty cents; each commitment, fifty cents; drawing jury in every case, fifty cents; for services of clerk, one dollar in each criminal case, and fifty cents in each civil case, and the same shall be paid as other costs in criminal cases are paid, and the said judge or clerk, shall pay the same into the county and city treasuries, to apply on the salary of said judge, as follows: all costs imposed and collected in criminal cases, arising under the laws of the state, shall be paid into the county treasury, and all costs imposed and collected in cases arising under the charter and ordinances of said city, shall be paid into the city treasury, and all costs collected in civil actions shall be paid as follows: two-thirds of the same into the county treasury of Winnebago county, and one-third into the treasury of the city of Oshkosh. The clerk of said court shall keep an accurate statement of all such costs thus collected and file the same in the county clerk's office, at the end of each month, under his hand and the seal of said court, and shall at the same time, pay over all such moneys as provided for in this act.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved May 21, 1903.

No. 99, A.]

[Published May 26, 1903.

CHAPTER 390.

AN ACT, amendatory of section 2858 of the statutes of 1898, relating to special verdicts.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Special verdict. SECTION 1. Section 2858 of the statutes of 1898, is amended by striking out the words "at or before the close of the testimony and before any argument to the jury is made or waived" where said words appear in lines 2 and 3 of said section 2858 and inserting in lieu thereof the words "before the introduction of any testimony in his behalf," so that said section when so amended shall be and read as follows: "Section 2858. The court, in its discretion, may, and when either party, before the introduction of any testimony in his behalf, shall so request, the court shall direct the jury to find a special verdict. Such verdict shall be prepared by the court in the form of questions, in writing, relating only to material issues of fact and admitting a direct answer, to which the jury shall make answer in writing. The court may also direct the jury, if they render a general verdict, to find in writing upon any particular questions of fact, to be stated as aforesaid. In every action for the recovery of money only or specific real property the jury may, in their discretion, when not otherwise directed by the court, render a general or a special verdict."

Conflicting laws repealed. SECTION 2. All acts or parts of acts contravening or in any manner conflicting with the provisions of this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved May 21, 1903.

No. 157, S.]

[Published May 26, 1903.

CHAPTER 391.

AN ACT, to facilitate the sale of perishable or unclaimed property in the possession of common carriers.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Perishable property, held for carriage or storage, how disposed of. SECTION. 1. If any property delivered to any common carrier, forwarding merchant, wharfinger, or warehouseman, for carriage or storage, shall be in a state of decay, or manifestly liable to immediate damage and decay, the person in whose custody the same shall then be, his agent or attorney, may make an affidavit of such fact, and present the same to a circuit judge, county judge, court commissioner, or justice of the peace of the county in which such property shall then be, and such circuit judge, county judge, court commissioner, or justice of the peace, shall thereupon immediately make an order requiring the sheriff or any constable of such county to immediately inspect such property, and directing him, if the same shall be found by him to be in a state of decay, or manifestly liable to immediate damage or decay, to summarily sell the same without notice. If such sheriff or constable shall upon inspection, find such property to be in a state of decay, or manifestly liable to immediate damage or decay, he shall attach to such order his affidavit stating such fact, and shall make an inventory of said property, and shall thereupon summarily sell said property without notice, and shall make full return of his execution of said order to the judge or justice who issued the same, together with his affidavit, inventory, and the proceeds of said sale, after deducting his fees therefrom. From the proceeds of such sale, the judge or justice shall pay all legal charges that have been incurred in relation to such property, or a ratable proportion of each charge if the proceeds of such sale shall not be sufficient to pay all the charges; and the balance, if any there be, he shall immediately pay over to the treasurer of his county, with a copy of all the proceedings in said matter. The county treasurer shall file such copy in his office. The person in whose custody such property shall be when any such proceeding for the sale thereof shall be commenced, shall immediately

notify the consignor and consignee of such sale, which notice shall be in writing, and shall be served by leaving a copy thereof with the consignor and consignee, personally or by mail.

Perishable property, held otherwise, how disposed of. SECTION 2. If any such property shall be perishable or subject to decay by keeping, the person in whose custody such property shall then be, his agent or attorney, may make an affidavit of such fact and present the same to a circuit judge, county judge, court commissioner, or justice of the peace of the county in which such property shall then be, and such circuit judge, county judge, court commissioner, or justice of the peace, shall thereupon immediately make an order requiring the sheriff or any constable of such county to immediately inspect such property, and if the same shall be found by him to be perishable or subject to decay by keeping, to make and return an affidavit of such fact. Upon the return of such affidavit, the judge or justice making such order shall immediately make an order requiring such sheriff or constable to sell such property at public auction, first giving ten days' public notice of the time and place of such sale by one publication in a newspaper published in the county, and serving upon the consignor, the consignee, and the custodian, of such property, if they shall be known, a copy of said notice by mail. Such sheriff or constable shall, at the time and place fixed by said notice, unless said property has been otherwise lawfully disposed of, sell said property at public auction, and shall make full return of his execution of said order, and return the same with an inventory of said property and the proceeds of said sale, after deducting his fees, to the judge or justice making said order. From the proceeds of such sale, said judge or justice shall pay all legal charges that have been incurred in relation to such property, or a ratable proportion of each charge, if the proceeds of such sale shall not be sufficient to pay all the charges; and the balance, if any there be, he shall immediately pay over to the treasurer of his county, with a copy of all the proceedings in said matter. The county treasurer shall file such copy in his office. The person in whose custody such property shall be when any such proceedings for the sale thereof shall be commenced, shall immediately notify the consignor and consignee of such sale, which notice shall be in writing, and shall be served by leaving a copy thereof with the consignor and consignee personally or by mail.

Unclaimed property, how disposed of. SECTION 3. When any such property shall not be perishable or subject to decay

and shall not be claimed and taken away within one year after it shall have been so received, the same may be sold as follows:

The person in whose custody such property shall then be, his agent or attorney, may make an affidavit of the facts and present the same to a circuit judge, county judge, court commissioner, or justice of the peace of the county in which such property shall then be, and such circuit judge, county judge, court commissioner, or justice of the peace, shall thereupon immediately make an order requiring the sheriff or any constable of such county to sell such property at public auction, first giving sixty days' notice of the time and place of such sale to the consignor, the consignee, and the custodian of such property. Such notice shall be in writing and shall be served personally or by mail upon such of such persons the names and residences of whom are known. If the name or residence of any of such persons is unknown and can not with reasonable diligence be ascertained, such sheriff or constable shall make an affidavit of such fact and shall thereupon cause such notice to be published in a newspaper of the county at least once in each week for six successive weeks before such sale. At the time and place of such sale such sheriff or constable shall sell said property at public auction and shall make a full return of his proceedings under said order to the judge or justice making the same, together with proof of service or publication of the notice of the sale, and an inventory of the property sold and the proceeds of such sale after deducting his fees. From the proceeds of such sale the judge or justice shall pay all legal charges that have been incurred in relation to such property, including the charges of the person in whose custody said property was when said proceedings were begun, or a ratable proportion of each charge if the proceeds of such sale shall not be sufficient to pay all the charges; and the balance, if any there be, he shall immediately pay over to the treasurer of his county, with a copy of all proceedings in said matter. The county treasurer shall file such copy in his office. The person in whose custody such property shall be when any such proceeding for the sale thereof shall be commenced, shall immediately notify the consignor and consignee of such sale, which notice shall be in writing, and shall be served by leaving a copy thereof with the consignor and consignee, personally or by mail.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved May 21, 1903.

No. 122, A.]

[Published May 26, 1903.

CHAPTER 392.

AN ACT, to appropriate a certain sum of money to provide necessary improvements at the Wisconsin Veterans' Home.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Purposes of appropriation. SECTION 1. There is hereby appropriated to the Wisconsin Veterans' Home, the sum of seventeen thousand dollars, out of any money not otherwise appropriated, and to be used for the purposes herein mentioned for improvements to the Wisconsin Veterans' Home, approximately as follows:

For new water tower	\$5,500
For new water system for fire protection.....	5,000
For additional boiler	2,000
For coal sheds, tracks and appliances	2,000
For incidental repairs, painting, etc.	2,500
	\$17,000

Bond. SECTION 2. The members of the board of trustees of the said Wisconsin Veterans' Home, shall execute to the state of Wisconsin a joint and several bond on their part, in the penal sum of forty thousand dollars with two or more sufficient sureties, conditioned that they will faithfully expend and apply said money appropriated by this act, to the purpose for which the same is appropriated, and that they will, in all respects, discharge their duties as such trustees. Until such bond, as is hereinbefore provided, shall be properly made and approved by the governor and filed in the executive office, no money shall be paid out of the state treasury in pursuance of the appropriation made by this act. It shall be the duty of said trustees, to keep a true and accurate account of the disbursement of the money herein appropriated, and report the same to the governor in writing.

Act construed. SECTION 3. This act shall not in any wise repeal or amend any of the provisions of chapter 393, laws of

1891, in so far as they are applicable to the expenditure of money hereby appropriated, and all reports relevant thereto, and all other duties imposed by said act, are hereby continued in force in respect to the appropriations herein made, in so far as the same can be applied thereto.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved May 21, 1903.

No. 215, A.]

[Published May 26, 1903.

CHAPTER 393.

AN ACT, to amend section 1574 of the statutes of 1898 as amended by section 3 of chapter 341 of the laws of 1901 relating to licensing of peddlers and transient merchants.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

License for circus, etc. SECTION 1. Section 1574 of the statutes of 1898 as amended by section 3 of chapter 341 of the laws of 1901 is hereby amended so as to read as follows:

Section 1574. Every owner, manager or agent of a caravan, circus or menagerie, before he shall be allowed to exhibit the same in this state shall procure a state license as a public showman in the manner hereinbefore provided for peddlers, and shall pay into the treasury therefor the sum of one hundred dollars; and every owner, or manager of a so-called sideshow, traveling vaudeville, ferris-wheel, merry-go-ground, ocean wave or transient shooting gallery, and every person exhibiting for money any trained animal, wild animals or any object of curiosity shall procure a state license as a public showman and pay therefor twenty dollars, provided, that such persons, owners or agents shall not be required to pay such license fee if they shall state in their application that they apply for the license solely for the purpose of exhibiting at, during the continuance and on the grounds of annual county, district or state fair associations drawing aid from the state under the provi-

sions of sections 1458c, 1458d and 1463 of the statutes of 1898 and shall give a bond to the state in the penal sum of two hundred dollars, with sureties to be approved by the secretary of state, conditioned upon the payment of such license fee in case they exhibit in any other place in this state than those specified in their application for license.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 21, 1903.

No. 170, A.]

[Published May 26, 1903.

CHAPTER 394.

AN ACT in relation to insurance and the transaction of business by fire insurance companies or associations authorized to do business in the state of Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Reinsurance of risks authorized; notice of retirement. SECTION 1. It shall be lawful for and any fire insurance company or association authorized to transact business in the state of Wisconsin, is hereby fully authorized and empowered to reinsure the whole or any part of any fire insurance risk taken by it on any property situated in the state of Wisconsin in any other responsible company or companies, whose capital stock and surplus shall equal or exceed one hundred thousand dollars. Provided, any fire insurance company or reinsurance company licensed to do business in the state of Wisconsin shall on retiring from business before the expiration of its policies or contracts, file with the insurance commissioner a written notice of such intention together with a sworn statement of its outstanding liabilities or obligations under such policies or contracts, and shall reinsure such liabilities or obligations in a company authorized to do business in this state.

SECTION 2. All laws, acts and parts of acts, whether general or special, contravening or conflicting with the provisions of this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved May 21, 1903.

No. 345, A.]

[Published May 26, 1903.

CHAPTER 395.

AN ACT amendatory of chapter 32, laws of 1882, chapter 393, laws of 1887, chapter 78, laws of 1891, and chapter 102, laws of 1897, relating to the county court of Dane county.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Register in probate; appointment, oath, bond, compensation.

SECTION 1. Chapter 32, laws of 1882, as amended by chapter 393, laws of 1887, and chapter 78, laws of 1891, and chapter 102, laws of 1897, are hereby amended so that, when so amended, they shall consist of sections numbered one to four inclusive, following, and shall be and read as follows: "Section 1. The county judge of the county of Dane shall appoint from time to time, subject to removal, a competent person to record the proceedings of the county court of Dane county, and the person so appointed shall be officially styled and known as "register in probate." Such register in probate shall hold office at the pleasure of the county judge and shall, before entering upon the duties of the office, take and subscribe the constitutional oath of office, and file the same, duly certified, in the office of the clerk of the circuit court for the county of Dane, and shall execute to the county of Dane, a bond in the sum of three thousand dollars with two or more sureties, to be approved by the said county judge, conditioned for the faithful performance of his duties as required by law; which bond, with the approval endorsed thereon, shall be recorded in the office of the register of deeds of the county of Dane. The county board of the

county of Dane is hereby authorized and empowered at any regular or special session to fix the annual compensation of such register in probate and clerk to be paid out of the county treasury, and until his salary shall be so fixed he shall be paid for his services as now provided by law.

Duties of register in probate; powers. SECTION 2. It shall be the duty of such register in probate to record all wills admitted to probate by the county court of said county of Dane, all letters testamentary, letters of administration, letters of guardianship, bonds of guardians, orders, judgments, and decrees granted or made by said county court and all other proceedings and matters required by law to be recorded in said county court. He shall have the care, custody, keeping and preservation of all books, papers, and records of said court, subject to the directions of the judge thereof. Such register in probate is also authorized and empowered to make and issue, under the direction of the court, orders for and notices of the publication and hearing of applications made or to be made to the county court requiring notice of hearing to be given; such orders and notices shall be signed by him as follows: By the court, Register in Probate; and when so signed shall be considered the act of the court, and shall have the same force and effect as if signed by the county judge. Such register in probate shall also act as clerk of said county court, and as such clerk shall take acknowledgments, administer oaths, issue subpoenas, and may certify to copies and transcripts of all the records and files of said county court, to be used in this state, in accordance with the statutes in such cases made and provided, and to be used anywhere agreeably to section 905 of the revised statutes of the United States, or of any United States law, and in making such certificates, he shall use, and in all other acts as such clerk may use the seal of the county court, and, in all acts as such clerk sign himself as clerk of Dane county court and, when requested, shall authenticate acknowledgments of all instruments taken by the judge of said court.

Deputy clerk, duties of; compensation and qualifications. SECTION 3. The county judge may appoint a deputy clerk of said county court, whenever the business may require it. Such deputy clerk shall take a like oath and give a like bond in the sum of one thousand dollars as required by the register in probate and clerk, and shall hold office during the pleasure of the county judge. Such deputy clerk shall assist the register in

probate and clerk in the performance of his duties under the direction of the judge, and, in the absence of the register in probate and clerk from his office, and when directed by the county judge, the deputy clerk may perform all the duties of the register in probate and clerk, with such exceptions and limitations as may be fixed by the county judge. The county board of the county of Dane is hereby authorized and empowered at any regular or special session to fix the annual compensation of such deputy clerk. Such deputy clerk shall be a competent shorthand reporter, and it shall be his duty as shorthand reporter, to attend upon said court when required so to do by the judge thereof, and to report the oral testimony of the witnesses sworn in any contested matter, and such other matters as the judge of said court may direct; and when directed by said judge such reporter shall make and file in said court a transcript of the testimony so reported, and of the proceedings therewith, and certify to the same. Said reporter shall receive for each day's actual attendance in taking such testimony a sum not exceeding six dollars per day, or three dollars per half day, and for making such transcript of testimony at the rate of five cents per folio, which compensation shall be taxed as disbursements and shall be paid by one or the other of the contesting parties, or out of the estate involved, as the court may determine to be just and equitable in its discretion; should any party require a copy of such record, or any part thereof, said reporter shall make the same at the foregoing rate per folio, which shall be paid for by the party requiring the same.

Salary of county judge; fees paid to county treasurer. SECTION 4. The county board of the county of Dane is hereby authorized and empowered at any regular or special session to fix the annual compensation of the county judge of Dane county at a sum in excess of that now provided by law to be paid out of the county treasury, and until his salary shall be so fixed he shall be paid for his services as now prescribed by law. The annual salary of such county judge shall be in full compensation from said county, and in lieu of all fees for all official services rendered by him as such county judge. The fees allowed by law for certifying copies of records or papers in the office of the county judge of said county, and for certifying copies of records and papers on appeal in probate and other matters, shall be collected by the register in probate or clerk of said county court and paid to the treasurer of said county monthly.

Conflicting laws repealed. SECTION 5. Chapter 32, laws of 1882, as amended by chapter 393, laws of 1887, and chapter 78, laws of 1891, and chapter 102, laws of 1897, are hereby repealed so far as they conflict or are inconsistent with this act.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved May 21, 1903.

No. 564, A.]

[Published May 26, 1903.

CHAPTER 396.

AN ACT, to create a municipal court in the county of Brown, and the city of Green Bay.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Municipal court created. SECTION 1. There is hereby created and established in the county of Brown and the city of Green Bay, a municipal court, and for that purpose the county of Brown and the city of Green Bay are hereby declared a municipality under the jurisdiction of said court which shall have power and jurisdiction as hereinafter specified and provided.

Court, how designated and where held. SECTION 2. The court hereby established shall be known as the municipal court for Brown county, and the judge thereof as the municipal judge. Said municipal court shall be held at the city of Green Bay in a suitable place to be provided and suitably furnished and maintained by said county of Brown. All fines and penalties collected in criminal cases in which the state is a party, shall be immediately paid by the judge to the treasurer of said county of Brown. All fines collected in city prosecutions shall be immediately paid by the judge to the treasurer of said county.

Eligibility of judge; may call in county judge, when. SECTION 3. No person shall be eligible to the office of judge of

the municipal court unless he be a practicing attorney, duly admitted to the bar of Brown county, and said judge shall hold no other county office during the term for which he is elected or appointed. Said judge may, by an order in writing to be filed in said court, appoint the county judge thereof to discharge the duties of such judge during his absence, sickness, or other temporary disability. The appointee shall have all the powers of such judge while administering such office except the power to try cases begun by information and cases not originally begun in said court. The order appointing any such county judge may be revoked by said municipal judge at any time.

Oath and bond of judge. SECTION 4. The municipal judge, before entering upon the duties of said office, shall take and subscribe the constitutional oath of office and file the same in the office of the clerk of the circuit court for Brown county and a duplicate copy thereof in the office of the clerk of the city of Green Bay; and shall execute to the county of Brown a bond in the penal sum of five thousand dollars, with two sureties to be approved by the treasurer of said county and recorded and filed as provided in section 702 of the statutes of 1898, conditioned for the faithful performance of the duties required of him by law and the faithful application and payment of all moneys and effects which may come into his hands in the execution of the duties of his office.

Criminal jurisdiction; appeals from justice courts; jury. SECTION 5. The municipal court shall be a court of record, with a clerk and seal, and shall have concurrent jurisdiction with the circuit court of Brown county, with full power and authority to hear, try and determine all cases of crimes and misdemeanors of whatever kind, except murder, that are or may be cognizable before the circuit court which may be committed in the county of Brown, provided, that in all cases in which the defendants are charged with committing offenses punishable by imprisonment in the state prison, the said municipal court shall not proceed to try and determine the same unless the defendant or person charged with such offense shall first signify his desire or willingness to be so tried, in said municipal court, by giving his or her consent, in open court, to be entered on the minutes or docket of said court, or in writing signed by him or her, to be filed in said municipal court; provided further, that in all cases in which the person charged with crime shall

plead guilty to the charge, the said municipal court shall have full power and authority to sentence such person, so pleading guilty, to hard labor in the state prison, in case the offense is liable to such punishment, or to inflict any other punishment or penalty under the laws of the state in as full a manner as the circuit court could do in such cases and the said municipal court shall have power to commit or to bail over to such time as may be convenient, such persons as may be found on examination before it to be indictable or subject to a criminal information in which such persons are charged with an offense punishable by imprisonment in the state prison. In case such person shall consent to be tried in said municipal court as provided herein; and on or before the time fixed for the trial of such persons so committed or bailed over, the district attorney shall file in said municipal court, the proper information against such person, and the court shall then proceed to hear, try and determine the same, unless the said cause is continued by the court for cause. And in any criminal cause, not cognizable, before a justice of the peace, and in which an information may be filed as aforesaid, after the same is at issue, the judge may fix a day for the trial of the same, and the same may then be tried by the court, in case a trial thereof by jury is waived by the accused, in writing, or in open court, to be entered upon the minutes, and in case the trial by jury is so waived, the cause shall be tried by the court. No justice of the peace, police justice or court commissioner within said city of Green Bay, shall exercise any jurisdiction in criminal or bastardy cases, but all such jurisdiction is vested in the judge of said court; and all examinations, recognizances and commitments from said judge, justices of the peace and police justices of said county, in criminal cases (except murder), and in bastardy cases, shall be certified and returned to said municipal court instead of said circuit court, at least five days before the time fixed for the appearance of the accused; and the accused shall, and all witnesses required to attend may be committed to be brought or recognized to appear before said municipal court, on a day certain, not more than twenty days from the date of said commitment or recognizance. Said court shall have jurisdiction to try and determine all appeals in civil and criminal cases from justices of the peace and police justices in said county, and in all cases removed from said justices' or police courts on account of the title to lands coming in question, and all such cases shall be certified and returned to said municipal court instead of the circuit court of said county, within ten days after the perfection of the appeal, in appealed cases, or the joining of issue, in other

cases; provided, that in civil cases appealable from justices' judgments, the party appealing may, at his option, appeal to the circuit court for Brown county instead of to said municipal court. Transcripts of all judgments rendered in said court shall, immediately after the entry of such judgments, be filed by the clerk of said court, in the office of the clerk of the circuit court of Brown county, and shall be docketed by said clerk of the circuit court, who shall receive the same fees therefor as provided by law in other cases, and such transcripts of judgments so filed and docketed, shall have the same force and effect as constituting a lien upon real estate that judgments rendered and docketed in said circuit court have by law, and be carried into execution, both as to the principal judgment debtor and his surety, if any, in the same manner and with like effect as the judgment of said circuit court. A jury in said municipal court in criminal cases shall consist of twelve men, qualified to sit as jurors under the laws of this state.

Civil jurisdiction. SECTION 6. The municipal court shall have civil jurisdiction to hear, try and determine all actions and proceedings at law, wherein the amount of debt, damages, demand, penalty or forfeiture shall not exceed the sum of fifteen hundred dollars; actions founded on an account when the same shall be reduced to an amount not exceeding one thousand dollars, by credits given or by the set-off or demand of the opposite party; actions to recover the possession of personal property, damages for the unlawful taking or detention thereof, wherein the value of the property claimed shall not exceed the sum of one thousand dollars.

Judgment by confession, when and how entered. SECTION 7. A judgment by confession may be entered by the judge of said municipal court in any sum not exceeding twenty-five hundred dollars without action, either for money due or to become due or to secure any person against contingent liability on behalf of the defendant or both, if a statement be made in writing signed by the defendant, and verified by his oath to the following effect;

1st. It must state the amount for which judgment may be entered and authorize the entry of judgment therefor by the judge of said municipal court.

2d. If it be for money due, or to become due, it must state concisely the facts out of which the indebtedness arose, and it must show that the amount confessed therefor is justly due or to become due.

3d. If it be for the purpose of securing the plaintiff against a contingent liability, it must state concisely the facts constituting the contingent liability, and must show that the sum confessed does not exceed the same.

Territorial jurisdiction. SECTION 8. The territorial jurisdiction of the said municipal court shall extend to all parts of the county of Brown, and the judge of said court shall have exclusive jurisdiction of all criminal offenses within the city of Green Bay arising under the provisions of the charter, ordinances and by-laws of the city of Green Bay and all other laws of the state relating to the police court shall be so construed as to apply to the said municipal court.

Seal of court; rules; service of process; duty of district attorney; officers of. SECTION 9. The judge of said municipal court shall provide a seal for said court and all papers, depositions, certificates, acknowledgments, examinations or other documents, executed or signed by said judge, when sealed with the seal of said court, shall be evidence in all courts and places in the state. The general provisions of law which shall at any time be in force relative to circuit courts, and actions and proceedings therein including the enforcement of judgments, shall relate also to said municipal court unless inapplicable, and the rules of practice prescribed by the justices of the supreme court for circuit courts shall be in force in said municipal court, and its rules of practice and proceedings shall conform as nearly as practicable to the rules and practice of circuit courts, but in case of the change in the place of trial of any cause not originally commenced in said court, or of any criminal case begun by information or of any bastardy case certified to said court, said case shall be removed to the circuit court for Brown county, unless such change is taken on the ground of prejudice of the people of said county, in which case the place of trial shall be changed to the circuit court of an adjoining county within this state. All civil actions originally commenced in said municipal court of which a justice court would not have jurisdiction, shall be commenced by the service of a summons as provided in chapter 120 of the Wisconsin statutes and the provisions of chapter 120 and 121 of the Wisconsin statutes shall, so far as applicable, govern said actions. All civil actions originally commenced in said court, of which a justice court would have jurisdiction, shall be commenced by the service of process as provided in chapter 155 of the Wisconsin statutes and the pro-

visions of chapters 155 and 156 of the Wisconsin statutes shall, so far as applicable, govern such actions. Said court shall have power and authority to issue all process necessary to carry into effect its jurisdiction; which process shall in substance be the same, when applicable, as used in circuit courts, or shall be as directed by the judge thereof. Process issued by said court, its judge or clerk, in criminal cases, or in civil cases, may be executed in any part of the state by the officer to whom it is addressed. All informations for criminal offenses, except murder, committed in said county of Brown, shall be filed in said municipal court by the district attorney of said county before the day fixed for the trial thereof. It shall be the duty of said district attorney to prosecute all criminal actions in said court in which the state is a party. The sheriff of Brown county and his deputies shall be officers of said court, and may execute all process, sentences and judgments thereof.

Contempt of court, powers to punish conferred. SECTION 10. The judge of the municipal court shall have the same power to punish contempt, in the same manner and for like causes, and to the same extent, that the judges of the circuit court are or may be authorized by law to punish for contempts, and the said judge of said municipal court may by rule direct the practice in his court and the form and direction of process, when not otherwise provided by law; and the criminal process of said court may, under the direction of said judge, be served in any part of the state.

General powers and duties of judge. SECTION 11. The municipal judge shall be the chief magistrate of the city of Green Bay, and possessed of all the powers of a justice of the peace in civil and criminal cases and in city prosecutions he shall see that the criminal laws of the state and the ordinances, laws, rules, regulations, resolutions and by-laws of the city of Green Bay be observed and executed, and for that purpose, shall open court every morning (Sundays and legal holidays excepted), and proceed to hear and dispose of, in a summary manner, all cases which shall be brought before him by the police officers of the city or otherwise, either with or without process for violations of the criminal laws of the state, committed in the county of Brown, or the ordinances and by-laws of the city of Green Bay. In all actions or prosecutions for violation of the city ordinances or by-laws the city attorney shall prosecute. The general provisions of law relative to civil and criminal

actions before justices of the peace shall apply to said municipal court so far as applicable, except that no change of venue shall be taken from said court in any civil case originally commenced in said court, or in any criminal or bastardy examination, or criminal trial, except cases tried upon information as hereinbefore provided. In all actions brought in said municipal court, where an attachment shall be issued upon an affidavit made by or on behalf of the plaintiff, and the debt or demand mentioned in such affidavit exceeds the sum of two hundred dollars, such attachment shall be issued in the manner provided in chapter 124, of the Wisconsin statutes of 1898, entitled, "of attachment," and all the provisions of said chapter 124 shall be applicable to any such attachment in said court. In all actions of replevin in said court, wherein the value of the property shall exceed two hundred dollars, all the provisions of chapter 123 of the Wisconsin statutes of 1898 shall be applicable. Whenever in any case commenced in any of the justice or police courts of said county, a plea of title to land shall be interposed in such manner as to entitle the defendant to a removal of such case, the same shall be certified to said municipal court instead of the circuit court, in the same manner as such cases are now required to be certified to the circuit court; and said municipal court shall have full power and authority to hear, try and determine the same in the same manner as cases brought to said court on appeal. The city marshal of the city of Green Bay, constables of said county, and other officers having the same power and authority as constables of said county, shall be officers of said court, with the same powers and duties as are or shall be conferred upon them by the laws of this state in reference to justice or police courts, in cases wherein said court or the judge thereof exercises original jurisdiction in civil actions, and in all criminal cases and examinations, including examinations in bastardy cases, except appeal cases and cases in which informations have been filed; and such officers shall receive the same fees for such services as if performed in justice's court. All provisions in the charter and ordinances of said city relating to the police court or justice courts, or to criminal prosecutions shall be held applicable to said municipal court. The judge of said court shall have the same power to solemnize marriages, take acknowledgments and depositions, and administer oaths, as a justice of the peace, and shall receive like fees therefor. The judge of said court may, in his discretion, summon witnesses before him and examine them on oath for the purpose of determining whether a warrant should be issued, and witnesses so summoned shall be compelled to attend

before him and answer all pertinent questions relative to the subject of inquiry, and shall be subject to punishment for contempt for refusal to attend and answer.

Clerk, qualifications and duties of; deputy clerk. SECTION 12. The judge of said municipal court shall appoint under his hand and the seal of said court, some suitable person as clerk of said court, who shall be an expert stenographer and typewriter. The said clerk, when so appointed, shall, before entering upon his duties, take and subscribe an oath to support the constitution of the United States and the state of Wisconsin, and faithfully to discharge the duties of his office, which appointment and oath shall be filed in the office of the city clerk of Green Bay, and a duplicate of the same in the office of the clerk of the circuit court of Brown county. The duties of such clerk shall be to do and perform all such ministerial acts as shall be required of him, by the judge of said court. He shall have power to administer oaths, take acknowledgments of bail and other instruments, and under the direction of the judge of said court to take testimony and record the judgments, orders and sentences of the said municipal court. The clerk of said court shall receive no compensation in the event of his sickness, absence or other disability, but the judge of said court in such cases, shall have power to appoint a deputy clerk, whose powers and duties shall be the same as those of the said clerk and he shall receive the same compensation for the time he shall actually serve as the said clerk to be paid in the same manner as the clerk.

Change of venue, how had. SECTION 13. Any person charged upon information of a criminal offense, in the municipal court of Brown county, may, at any time before a jury is drawn for the purpose of a trial in said court, obtain a change of venue to the circuit court of said Brown county, upon making affidavit that he believes that he cannot obtain a fair and impartial trial in said municipal court; and thereupon, the said municipal court shall commit, or hold the party to bail, to appear at the next term of said circuit court, shall transmit all the papers, and a copy of the records of the proceedings in such cause, properly certified to be such, to the said circuit court, which shall then proceed to hear and determine the same, and all recognizances, previously given in such cases, and returned to said municipal court, may be enforced by said circuit court as fully as if they had originally run, and been certified and returned thereto.

Election and term of judge. SECTION 14. On the first Tuesday of April, A. D. 1904, and every four years thereafter, there shall be elected in the county of Brown, in the same manner as county judges are elected, one municipal judge, who shall hold his office for the term of four years, from the first Monday in the May next following said election, and until his successor is elected and qualified, and in case of a vacancy occurring in the office of municipal judge, the vacancy shall be filled by appointment by the governor of the state, and the person appointed to fill such vacancy shall hold said office for the residue of the term for which his predecessor was elected or appointed, and until his successor is elected and qualified.

Jury, how drawn; account of fees and costs to be kept; suit tax. SECTION 15. The municipal court jury commission hereinafter provided for shall, on or before the first Tuesday in June in each year, and from time to time thereafter as it may be deemed necessary and ordered by the judge of said court, make a list of three hundred qualified electors of the city of Green Bay, who are citizens of the United States, to serve in said court as jurors for one year from the said first Tuesday in June, or for one year from the time they may be placed upon said list, and deliver the said list to the judge of said court. In civil cases the jury shall be deemed waived unless demanded by one of the parties before entering upon the trial. In all criminal prosecutions for crimes punishable by imprisonment in the state prison or Wisconsin state reformatory and in all civil cases of which a justice of the peace would not have jurisdiction, a jury shall consist of twelve jurors. The fees of jurors shall be two dollars per day, for each day's actual attendance, and six cents per mile for each mile actually traveled in going and returning by the most usual route, in all cases in which there shall be twelve jurors and in all other cases the fees of jurors shall be one dollar per day for each day's actual attendance and six cents per mile for each mile actually traveled in going and returning by the most usual route. In all cases the court may fix a particular day for the trial of the case which shall not be more than twenty days after the day fixed in the recognizance or commitment for the appearance of the accused, in criminal cases, and not more than twenty days after the filing of the return on appeals to said court, and not more than twenty days after the joining of issue in civil actions originally commenced in said court and may adjourn the trial of any case for cause. A jury shall be drawn in open court in

the presence of the accused and prosecuting officer in all criminal and bastardy cases, and of the parties or their attorneys in civil cases, on the day of the trial; but such jury may be drawn in a like manner at any previous time by consent of the parties. All such juries shall be drawn in the manner following: The clerk of said court shall draw, in the presence of the court, from a box containing the names of all persons not disqualified by previous service, furnished by the jury commission hereinafter provided, thirty-six names, and shall make a list thereof, and each party alternately, beginning with the prosecution or plaintiff, shall strike a name from said list until only twelve names remain. In case either party shall neglect or refuse to strike out such names, the judge shall appoint some person to strike for him. The twelve persons whose names remain shall be summoned as jurors in such case. In civil and criminal actions before said judge, originally commenced in said court, of which a justice of the peace has jurisdiction, and in all actions arising under the charter, ordinances and by-laws of the city of Green Bay, eighteen names from whom a jury shall be struck, shall be drawn from such box in like manner, each party striking six names, instead of twelve, in the manner aforesaid. The day for trial may be adjourned from time to time in the discretion of the court. If any person thus drawn cannot be summoned, or be excused or set aside as incompetent, another name may be drawn from said list to supply his place and the person whose name is so drawn shall be summoned in like manner, or the judge may direct the issue of a venire to the sheriff of said county to summon the necessary jurors to complete the panel from said county at large. In any case where a jury of twelve is required, said judge may at his option, and shall, at the request of the defendant or prosecuting officer, in a criminal case, and of either party, in a civil action, direct the sheriff or one of his deputies to make a list of thirty-six qualified electors from any or all of the towns of said county, from which list a jury shall be struck and summoned in the same manner as above provided. And in case any of said jurors cannot be summoned or be excused for any cause, a sufficient number of talesmen to complete the panel may be summoned in the manner hereinbefore provided and upon the written request of either party that a jury be drawn from the body of the county, the judge shall direct such list to be made from the body of the county, and a jury shall be obtained by striking twenty-four names from such list, and the persons represented by the twelve names remaining shall make

a jury and be summoned as aforesaid; and talesmen necessary for any cause, to complete the panel and make a jury may be summoned from the body of the county. Every person having served as a juror of said court, shall be disqualified from serving as a juror for three months next succeeding such service. The clerk shall not replace in the box from which the names of jurors are drawn the name of any person while such person is disqualified from acting as a juror by reason of previous service. The judge of said court shall keep or cause to be kept by the clerk of said court, a full and complete record and account in a book to be furnished as the other records and books of said court are furnished, of all fees and costs so received by said judge or clerk, in such a manner that such record shall show the exact amount paid, by whom, at what time, and on what account, and if paid in any case, what case. Said judge shall also make duplicate certificates showing the same facts and file same with the county clerk. In all civil cases coming before said court there shall be paid to the judge the sum of three dollars at the time of issuing the summons, in actions originally commenced in said court and at the time of filing the papers, in actions brought into said court by appeal on change of venue, and no appeal to said court or change of venue to said court in civil cases shall be of any effect unless said sum is paid. Said sum of three dollars shall be applied by said judge to the payment of the costs of said court, and if there be any surplus such surplus shall be refunded to the party paying. If the party paying such sum shall obtain judgment for his costs in such action, the amount so paid by him shall be included in his judgment, but if the adverse party have judgment for cost, such sum shall not be included therein.

Salaries of judge and clerk. SECTION 16. The county board of said county of Brown shall have the power to fix the amount of the salary of said judge and clerk, and until the said salaries shall be so fixed the salary of the judge of said municipal court shall be eighteen hundred dollars per annum, and the salary of the clerk of said court shall be nine hundred dollars per annum. The said salaries shall be paid monthly out of the county treasury of Brown county.

Fees and costs, how taxed and to whom paid. SECTION 17. The judge of said municipal court shall tax such fees and costs as are taxed by a justice of the peace in proceedings had before him, wherein a justice of the peace has jurisdiction, except as

herein otherwise provided, and said fees when so collected shall be paid into the county treasury at the end of each month. In all other actions the costs and fees shall be the same as now provided in the circuit courts of Wisconsin. The fees of jurors in said court shall be paid by the county of Brown upon voucher of the clerk of the said municipal court in the same manner as fees of jurors in circuit court are paid; provided, however, that the party calling for a jury in a civil case properly triable by a jury of six jurors, shall pay to the clerk of said municipal court three dollars at the time of making such demand, which sum shall be paid into the county treasury as aforesaid, and which sum shall be taxed against the losing party as a part of the costs in such case, and provided further, that the judge of said court shall in all cases of which justices of the peace now have original jurisdiction, tax as fees the sum of two cents per folio only for each folio of testimony taken on the trial.

Appeals. SECTION 18. Appeals from the justice court of Brown county shall be made to the municipal court for Brown county in the manner and form of taking such appeals to the circuit court, and appeals from the municipal court in all prosecutions for crimes and misdemeanors, or the violation of city ordinances or by-laws, shall be made to the supreme court of Wisconsin in the same manner as appeals from circuit courts are now taken. In all civil cases originally brought in the municipal court appeals shall lie to the circuit court of Brown county in the same manner as appeals from justice courts are now taken. In all other cases the appeal shall lie to the supreme court of Wisconsin in the same manner as appeals are now taken from circuit courts. The clerk of said municipal court shall be allowed the sum of five cents per folio for each folio of testimony written out in long hand on the request of a party, to be paid by the party demanding the same.

Justice court appeals, how heard and determined. SECTION 19. Where an appeal is had from a justice court to the municipal court, it shall be the duty of the judge of said court, on receipt of the records in said cause, to cause the case to be duly entered in the court docket. And on the time fixed by the judge for the hearing thereof, the said municipal court shall proceed to hear, try and determine the same, unless it be continued by the said judge or by the parties for cause. Nothing in this act shall be construed as in any manner affecting the right or jurisdiction of any court, judge, justice of the peace

or police justice to hear, try and determine any cause now pending in any such court or before such judge, justice of the peace or police justice, or which shall be commenced before said municipal judge shall enter upon the duties of his office.

Municipal court jury commission; terms of members; compensation. SECTION 20. The judge of said municipal court shall, on or before May 10th, 1904, appoint a commission to be known as the municipal court jury commission, and consisting of three members. The persons so appointed shall be freeholders residing in the city of Green Bay, citizens of the United States and qualified electors of the state of Wisconsin; one of said commissioners to hold office for one year, one for two years and one for three years, and the said judge shall designate the terms of each commissioner so appointed. Thereafter said judge shall appoint one such commissioner each year to serve for three years from the tenth day of May. Vacancies shall be filled for the unexpired term and any commissioner may be removed by the judge at will. Each commissioner shall, before entering upon his duties, take and subscribe before the clerk of said court an oath to support the constitutions of the United States and of the state of Wisconsin and faithfully to discharge the duties of the office of jury commissioner to the best of his ability. Such oath shall be certified by said clerk and filed in his office. Two of said commissioners shall constitute a quorum. Said commissioners shall receive the sum of five dollars for each day actually spent in official service, to be paid by the county of Brown on the order of the clerk of said court, countersigned by said judge.

SECTION 21. This act shall take effect and be in force from and after its passage and publication, but no provision herein contained shall limit, change or affect the jurisdiction of any court whatever until the first day of May, 1904.

Approved May 21, 1903.

No. 394, S.]

[Published May 27, 1903.]

CHAPTER 397.

AN ACT to create a pension fund for members of the police department in cities of the first class.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Police pension fund created; one per cent. of license revenues.

SECTION 1. In all cities of the first class within this state, having a paid police department, one per cent. of all revenues collected or received by such cities from licenses issued by such cities, except dog licenses, shall be set apart by the common councils and comptrollers of such cities and retained and set apart by the treasurers of such cities for the pensioning of disabled and superannuated members of the police departments and of the widows and orphans of deceased members thereof, and the treasurers of such cities shall be ex-officio treasurers of such fund.

Monthly payments; rewards. **SECTION 2.** There shall also be paid into such fund by the members of such department at the time this act takes effect and by all members subsequently acquired the following sums, monthly, to-wit: patrolmen and linemen two dollars; sergeants two dollars and thirty cents; lieutenants, detectives, batteryman and secretary two dollars and sixty cents; assistant superintendent of police alarm and captains two dollars and eighty-five cents; inspectors three dollars and forty cents; chief four dollars and thirty cents; also all fines imposed on members for violation of the rules of the department, also all moneys deducted for the time lost by members on account of sickness, and one-half of all moneys received by the city from dog licenses. There shall also be paid and applied to said fund all rewards received and earned by members of such department and all moneys received from sales of unclaimed property.

Board of trustees; terms; officers. **SECTION 3.** The mayor, treasurer, city comptroller and chief of police and three active members of the police department shall constitute and be a

board by the name of the "Board of Trustees of the Police-men's Pension Fund." The three members of the board from the police department shall be elected annually by ballot at least three days before the annual election of officers is held; each member shall be entitled to vote for such three members of the board upon one ballot, and the three candidates receiving the highest number of votes shall be considered elected. The said board shall annually select from among their number a president and a secretary, and in case of a vacancy occurring during the term the same shall be filled by the board.

Duties and powers of board. SECTION 4. Said board shall have exclusive control and management of the fund mentioned in this act and all moneys donated, paid or assessed for the relief or pensioning of disabled, superannuated or retired members of the police department, their widows and children, the same to be placed by the treasurer of such city to the credit of such fund subject to the orders of such board. The said board shall make all needful rules and regulations for its government in the discharge of its duties and for the control of such fund; and shall hear and decide all applications for relief or pensions under this act. The board shall cause to be kept by its secretary a record of all its meetings and proceedings.

Permanent fund; income of. SECTION 5. All rewards in moneys, fees, gifts or emoluments that may be paid or given for or on account of any service of said police department, or any member thereof, except when allowed to be retained by said member by resolution of said board or given to endow a medal or other permanent competitive reward, shall be paid into said fund. The board may take by grant, gift, devise or bequest any money, real estate, personal property, right of property or other valuable thing, the annual income of which shall not exceed one hundred thousand dollars in the whole. And said money, real estate, personal property, right of property or other valuable thing so obtained shall be paid into said pension fund and treated as a part thereof for the use of said fund; provided, that the sum of two hundred thousand dollars when accumulated in said fund shall be retained as a permanent fund, and thereupon and thereafter the annual income may be made available for the use and purposes of such pension fund.

Funds may be invested, how. SECTION 6. The said board shall have power to draw such pension fund from the treasury of

such city and may invest such fund or any part thereof, in the name of the board in interest bearing bonds of the United States or of the state of Wisconsin or of any county, township or municipal corporation of said state; and all securities taken upon any such investment shall be deposited with the treasurer of such city as treasurer of said board and shall be subject to the order of said board.

Interest applied to payment of pensions; rate from licenses diminished. SECTION 7. The interest received from any such investment of funds after said fund shall have reached the sum of two hundred thousand dollars shall be applicable to the payment of pensions under this act. And when such interest shall become applicable it shall be competent for the council of such city to diminish such annual rate of one per cent. from licenses so that said income from licenses shall meet the requirements of the pension list as provided by this act.

Disabled members may be retired on half pay, when. SECTION 8. If any member of the police department while engaged in the performance of his active duty as such policeman be injured, and found upon an examination by a medical officer ordered by said board to be physically or mentally permanently disabled by reason of such injury so as to render necessary his retirement from service in such department, such board shall retire such disabled member from service; provided no such retirement on account of disability shall occur unless the member has contracted such disability within the hours of each day or night when he is required to be on active duty by the rules of the department or while he is engaged in the performance of "emergency duty" during his regular "off hours." Upon said retirement the board shall order payment to such retired member, monthly, from such pension fund a sum equal to one-half the monthly compensation allowed such member as salary at the date of his retirement.

Pensions to widows or minor children. SECTION 9. If any member of such police department shall while in the performance of his duty be killed or die as the result of an injury received in the line of his duty, as described in the preceding section, or if any member of such department, after fifteen years' service in such department, shall die from any cause whatever while in said service, or if any member shall die from any cause whatever after having been retired upon a pension

under the provisions of this act, and shall leave a widow or minor child or children under the age of sixteen years surviving, the said board shall direct the payment from said pension fund of the following sums, monthly, to-wit: To the widow of the chief of police, sixty dollars; to the widows of inspectors, fifty-five dollars; to the widows of captains and assistant superintendent of police alarm, fifty dollars; to the widows of lieutenants, detectives, secretary and batteryman, forty-five dollars; to the widows of sergeants, forty dollars; to the widows of patrolmen and linemen, thirty-five dollars; to the guardian of such minor child or children, six dollars for each child until it reaches the age of sixteen years; provided, however, that there shall not be paid to the family of a deceased member a total pension exceeding one-half the amount of the monthly salary of such deceased member at the time of his death, or, if a retired member, a sum exceeding one-half the amount of the monthly salary of such retired member at the date of his retirement; provided, further, that if a pensioner shall marry after his retirement from service and shall thereafter die, leaving a widow, such widow shall not be entitled to any relief or pension from such fund. If at any time there shall not be sufficient money in such pension fund to pay each person entitled to the benefits thereof the full amount per month as hereinbefore provided, then in that event an equal percentage of such monthly payments shall be made to each pensioner or beneficiary thereof until the said fund shall be replenished to warrant the payment in full to each of such beneficiaries.

After service of twenty-two years, members may be retired on half-pay. SECTION 10. Any member of the police department of any such city after having served twenty-two years or more in such department, may make application to said board to be retired from such department, or he may be retired by the said board of its own motion; in either of which case the said board shall order and direct that such member shall be paid a monthly pension of a sum equal to one-half the monthly compensation allowed such member as salary at the date of his retirement. The said board, upon the recommendation of the chief of police, shall have the power to assign any member retired or drawing pension to the performance of light duties in such department where in their judgment it shall be advisable. No person shall be entitled to receive any benefit from any such pension fund other than that prescribed by this act, and in no event shall any allowance be paid to any widow after her re-

marriage or to any minor child after it attains the age of sixteen years.

Duty of treasurer; bond. SECTION 11. The treasurer of the board shall be the custodian of said pension fund and shall secure and safely keep the same subject to the control and direction of said board, and shall keep his books and accounts concerning such fund in such manner as the board shall direct, and the said books and accounts shall always be subject to the inspection of said board or any member thereof. The treasurer shall, within ten days after his election or appointment, execute a bond to the city with good and sufficient sureties, to be approved by the board, and in a sum to be fixed by the board, conditioned for the faithful performance of the duties of his office, that he will safely keep and well and truly account for all moneys and property which may come into his hands as such treasurer, and that at the expiration of his term of office he will surrender and deliver over to his successor all unexpended moneys and all property that shall have come to his hands as treasurer of such fund. Such bond shall be filed in the office of the clerk of such city, and, in case of a breach of the same, or of the conditions thereof, suit may be brought on the same in the name of such city for the use of said board or of any person or persons interested in such breach.

Duty to draw warrants, when requested. SECTION 12. It shall be the duty of the mayor, or clerk, or comptroller, or other officer or officers of such city, who are or may be authorized by law to draw warrants upon the treasurer of such city, upon request made in writing by said board, to draw warrants upon the treasurer of such city payable to the treasurer of such board for all funds in the hands of the treasurer of such city belonging to said pension fund.

Warrants, how drawn; deposits in banks. SECTION 13. All moneys ordered to be paid from such pension fund to any person or persons shall be paid by the treasurer of said board only upon warrants signed by the president of the board and countersigned by the secretary thereof; and no warrant shall be drawn except by order of the board duly entered in the record of the proceedings of said board. In case the pension fund or any part thereof shall, by order of said board or otherwise, be deposited in any bank, or loaned, all interest or money which may be paid or agreed to be paid on account of any such loan or

deposit shall belong to and constitute a part of such fund; provided, that nothing herein contained shall be construed as authorizing said treasurer to loan or deposit said fund or any part thereof unless so authorized by the board.

Report annually. SECTION 14. The board of trustees shall make report to the council of said city of the condition of said pension fund at the first regular meeting of the council in the month of May in each year.

Pensions exempt from any legal process or proceeding. SECTION 15. No portion of said pension fund shall either before or after its order of distribution by such board to such disabled or superannuated members of said police department or to the widow or guardian of such minor child or children of a deceased member of such department be held, seized, taken subject to or detained or levied on by virtue of any attachment, execution, injunction, writ, interlocutory or other order or decree, or any process or proceeding whatever issued out of or by any court of this state, for the payment and satisfaction, in whole or in part, of any debt, damages, claim, demand or judgment against such member or his widow or the guardian of said minor child or children of any deceased member.

Additional powers conferred on board. SECTION 16. The board herein provided for shall in addition to other powers herein granted have power to compel witnesses to attend and testify before it upon all matters connected with the operation of this act in the same manner as is or may be provided by law for the taking of testimony before notaries public, and its president or any member of said board may administer oaths to such witnesses. The said board shall have power to appoint a clerk and provide for the payment from said fund of all its necessary expenses, including clerk hire and printing; provided, that no compensation or emolument shall be paid to any member of said board for any duty required or performed under this act.

Former funds, claims, and pensions unaffected. SECTION 17. In all cities of the first class having paid police departments in which prior to the passage of this act a pension fund has been created under existing laws and pursuant to which laws moneys have been collected and are now held by the proper officers of such Policemen's Pension Fund, all such funds either in money or securities shall immediately upon the passage of this act be

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and over and transferred to the proper officers mentioned and provided for in this act, who shall have power to receive, sue for and collect the same, and such funds shall be devoted to the purposes herein mentioned and prescribed. All pensions heretofore provided for in cities of the first class by the officers or boards of such policemen's pension fund shall be continued pursuant to the provisions of law existing at the time such pensions were created and provided for. Any pending or ungranted claims heretofore existing or made for a pension on or out of any policemen pension fund heretofore existing, is hereby continued, and, if established or allowed, shall be paid out of the fund herein provided for pursuant to the provisions of law existing at the time such claim arose.

Conflicting laws repealed. SECTION 18. The provisions of this act shall be amendatory of the charter of all cities of the first class in this state containing a population of one hundred thousand inhabitants and any provision in any such charter in conflict herewith is hereby superseded, and the provisions of any act or law now in force or effect so far as they conflict with the provisions of this act are hereby repealed; provided, however, that this act shall in no way effect or apply to the provisions of any act or law in reference to another department in any of said cities.

SECTION 19. This act shall take effect and be in force from and after its passage and publication.

Approved May 21, 1903.

No. 117, S.]

[Published May 27, 1903.

CHAPTER 398.

AN ACT, amendatory of section 2433, of the statutes of 1898, relating to the appointment of court commissioners.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appointment of court commissioners. SECTION 1. Section 2433 of the statutes of 1898, is hereby amended so as to read as follows: Section 2433. Each of the counties of this state shall have not to exceed six court commissioners, and in every county having more than one circuit judge there may be appointed not to exceed ten court commissioners, the same to be appointed by the circuit court and the circuit judges jointly in vacation, for the county or counties of their respective circuits. Each court commissioner shall hold his office during the term of office of the judge or judges who appointed him, and until his successor is appointed and qualified, unless sooner removed by the court or judge or judges appointing him, and shall, before entering upon the duties of his office, take and subscribe the constitutional oath of office and file the same duly certified, together with his appointment, in the office of the clerk of the circuit court of the county in which he resides. Any woman authorized to practice as an attorney of any court of record, may be appointed and act as a court commissioner; all court commissioners heretofore appointed in any county in this state shall hold their office until the expiration of the term for which they were appointed.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 21, 1903.

paid over and transferred to the proper officers mentioned and provided for in this act, who shall have power to receive, sue for and collect the same, and such funds shall be devoted to the purposes herein mentioned and prescribed. All pensions heretofore provided for in cities of the first class by the officers or board of such policemen's pension fund shall be continued pursuant to the provisions of law existing at the time such pensions were ordered and provided for. Any pending or ungranted claim heretofore existing or made for a pension on or out of any policemen pension fund heretofore existing, is hereby continued, and, if established or allowed, shall be paid out of the fund herein provided for pursuant to the provisions of law existing at the time such claim arose.

Conflicting laws repealed. SECTION 18. The provisions of this act shall be amendatory of the charter of all cities of the first class in this state containing a population of one hundred and fifty thousand inhabitants and any provision in any such charter in conflict herewith is hereby superseded, and the provisions of any act or law now in force or effect so far as they conflict with the provisions of this act are hereby repealed; provided, however, that this act shall in no way effect or apply to the provisions of any act or law in reference to another department in any of said cities.

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SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 21, 1903.

No. 408, S.]

[Published May 27, 1903.

CHAPTER 399.

AN ACT, to provide proper accommodations for the state law library and the supreme judicial department of the state, and making an appropriation therefor.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Commission created. SECTION 1. A commission is hereby created to consist of the governor and six persons, to be appointed by him, one of whom at least shall be nominated for appointment by the justices of the supreme court from their own number, and all of whom shall serve without compensation, to adopt and execute a plan for such additional room as will, in the judgment of such commissioners, furnish proper accommodations for the state law library and the supreme judicial department of the state.

Duty of commissioners; appropriation for architects. SECTION 2. The commissioners shall adopt a plan for making the changes necessary to furnish the needed accommodations for the state law library and the supreme judicial department of the state which shall make such changes harmonious with the present capitol building and also be adaptable to any modifications which may be required by the future growth and expansion of the business of the state government. To enable the commissioners to determine upon such plan they are empowered to expend not exceeding the sum of ten thousand dollars for the services of architects, which sum is hereby appropriated for such purpose out of any money in the treasury not otherwise appropriated.

Powers; appropriation. SECTION 3. If the plan above referred to shall be decided upon by the commissioners by the first day of April, 1904, as soon as such decision shall have been made they are empowered to proceed with as little delay as practicable to execute the same, and the sum of not to exceed one hundred thousand dollars to be expended for that purpose is hereby appropriated, fifty thousand dollars of the same to

be levied and collected as a state tax in the year 1903, and the balance to be levied and collected as a state tax in the year 1904.

Proceedings, how constructed. SECTION 4. The members of the commission shall organize, conduct their proceedings, cause money to be paid out, keep their records, possess all the powers, and in all things conform to the mode of operation laid down in chapter 298, laws of 1895, so far as practicable to the end to be accomplished, and vacancies occurring in their number shall be filled as therein provided.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved May 21, 1903.

No. 407, S.]

[Published May 27, 1903.

CHAPTER 400.

AN ACT, to authorize G. W. Henika and C. W. Fowell, their heirs and assigns, to raise, build and maintain a dam across the Kickapoo River at the village of Readstown, county of Vernon, in township number eleven north, of range three west.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Location of dam. SECTION 1. G. W. Henika and C. W. Fowell, their heirs and assigns are hereby authorized to raise, build and maintain a certain dam across the Kickapoo river in the village of Readstown, county of Vernon, state of Wisconsin, on lot one, block one, west side of river, and lot two, block one, east side of river, village of Readstown, being the same dam built across said river in the year 1901 and since maintained by the said G. W. Henika and C. W. Fowell.

Former dam legalized. SECTION 2. The dam heretofore built and maintained at the place mentioned in section 1 of this act, built in the year 1901, and the building of said dam and

the maintenance of the same to the present time is hereby validated and legalized; provided, that the passage of this act shall not in any manner prejudice or interfere with any right of action now existing in favor of any person or persons for injuries suffered by the erection and maintenance of said dam.

Purpose; powers. SECTION 3. The said G. W. Henika and C. W. Fowell, their heirs and assigns, shall have the right to use the waters of said river and the water power created by said dam, for propelling any kind of machinery that they may at any time hereafter see fit to erect, to sell or lease the right to use said power and water or any part or portion thereof to any person or persons whomsoever.

Fishway. SECTION 4. Suitable fishways shall be built subject to the approval of the state board of commissioners of fisheries and maintained to admit of the free passage of fish over and through the dam hereby authorized.

Legislative rights reserved. SECTION 5. The power to alter, amend or repeal this act is hereby reserved.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved May 21, 1903.

No. 404, S.]

[Published May 27, 1903.

CHAPTER 401.

AN ACT, to provide for the making of certain repairs to the capitol and making an appropriation therefor.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Purposes of appropriation. SECTION 1. The governor is hereby authorized in his discretion, to provide, by contract or otherwise, for the following repairs and changes in the capitol building, and for that purpose there is hereby appropriated,

out of the general fund not otherwise appropriated, or so much thereof as may be necessary, the following sums:

For the construction of a storm water sewer to connect the capitol sewerage system with the city sewer, the sum of two thousand five hundred dollars.

For the excavation and enlargement of the coal vault to meet present requirements, the sum of three thousand six hundred dollars.

For painting the dome and outside woodwork of the capitol, the sum of one thousand five hundred dollars.

For a new ash hoist, the sum of one thousand eight hundred dollars.

For lighting of the capitol park in connection with the capitol electric lighting plant, the sum of three thousand dollars.

For repairing the plastering in the capitol, the sum of two thousand dollars.

For hardwood floors in the capitol basement, the sum of one thousand four hundred dollars.

For hardwood floors in the upper stories of the capitol, the sum of one thousand five hundred dollars.

For repairing the tile floor in the capitol basement, the sum of one thousand dollars.

For repairing the tile floor in the second story of the capitol, the sum of one thousand dollars.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 21, 1903.

No. 395, S.]

[Published May 27, 1903.

CHAPTER 402.

AN ACT, relating to the employment of children in occupations dangerous to health and morals.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Female messengers under eighteen, employment of. SECTION 1. No female under eighteen years of age shall be employed as a messenger by any telegraph or telephone company, firm or corporation or by any company, firm, corporation or individual engaged in similar business.

Penalty. SECTION 2. Whoever violates the provisions of this act shall be punished by a fine of not less than twenty-five dollars nor more than two hundred dollars or by imprisonment for not more than six months.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved May 21, 1903.

No. 392, S.]

[Published May 27, 1903.

CHAPTER 403.

AN ACT, relating to evidence in certain cases.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Transcribed records prima facie evidence, when. SECTION 1. The transcribed records of Gates county, which have been or may be transcribed from the original records of other counties, of which territory now comprising said Gates county were formerly a part, under and by direction of the county board of

Gates county, and properly attested by the affidavit of the person or persons making such transcriptions, shall be received in all courts in this state, as prima facie evidence of the matters therein contained, in the same manner as now provided by law for the reception of record evidence.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 21, 1903.

No. 378, S.]

[Published May 27, 1903.

CHAPTER 404.

AN ACT, granting and defining the power of condemnation for library sites, and amendatory of chapter 41 of the statutes of 1898, and creating a new section to be known as section 931b.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Power conferred to acquire site by condemnation proceedings.

SECTION 1. A new section is hereby created and added to chapter 41 of the statutes of 1898, to be numbered and read as follows:

“Section 931b. Whenever the said board of directors shall certify to the city council, village or town board, that it is unable to acquire the site selected for a just and reasonable price, and that a just and reasonable price for the site selected does not exceed the amount which may legally be expended therefor, said city council, village or town board shall proceed to acquire such site by condemnation, in the manner provided by sections 895 to 904 of the statutes of 1898, inclusive, or, in case of any city under general charter or any city under special charter having adopted the provisions of the law relating to condemnation by cities under a general charter, in such a manner as provided by law for acquiring sites for any other public buildings. Should the compensation awarded in the condemnation proceedings exceed one-third of such gift, such proceedings

shall nevertheless be valid if, within sixty days after the final award, such excess be provided for by private donation or otherwise; but in case such excess be not so provided for then said proceedings shall, upon motion, be dismissed with costs."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 21, 1903.

No. 374, S.]

[Published May 27, 1903.

CHAPTER 405.

AN ACT for the adjustment of claims of the state and of the Chicago, St. Paul, Minneapolis & Omaha Railway Company for certain lands granted by the United States.

Preamble. Whereas, it is claimed by the state of Wisconsin that certain lands heretofore conveyed by the United States to The State, and by The State to the Chicago, St. Paul, Minneapolis & Omaha Railway company, or its predecessors in interest, some or all of which have been by that company sold and the consideration therefor received by it, were swamp lands, and that The State is therefore entitled to said lands, or the proceeds of the sales thereof; and

Preamble. Whereas, it is claimed by the railway company that certain lands heretofore conveyed by the United States to The State in aid of the building of the lines of the road of said company have not been conveyed by The State to it, and that it is legally entitled to a deed thereof as record evidence of its title; and

Preamble. Whereas, it is for the interest of The State, the citizens of The State and of said railway company that such question should be speedily adjusted. Therefore,

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Duty and authority of commissioners of public lands to convey and receive conveyances of swamp lands. SECTION 1. The commissioners of the public lands are hereby directed to examine and determine what swamp lands if any have been conveyed by the state to said railway company or its predecessors in interest and also what swamp lands if any the said company has conveyed to others, and they are hereby empowered (if in their judgment it is for the best interests of the state) to take and receive from said railway company the consideration price paid to said company upon the sale of said lands by it, and pay the same into the state treasury and to make conveyances of said lands to the respective grantees of the railway company confirming their respective titles thereto. Said commissioners are further authorized to receive from said railway company, conveyances running to the state of such of said swamp lands as have not been disposed of by the railway company, the same to be treated as other swamp lands belonging to the state. Said commissioners are further authorized to examine and determine what lands properly belonging to the said railway company within the term of its land grant are still held by the state under a grant or grants of the United States to said state, and they or the governor are hereby authorized to convey to said railway company all such lands in consideration of the aforesaid conveyances to be made by the railway company to the state and the aforesaid payment of moneys received by it for lands by it sold and disposed of. Provided always that nothing herein contained shall be construed as a waiver of any right or claim of the state against the United States under the act of congress entitled, "An act to enable the state of Arkansas and the other states to reclaim the swamp lands within their limits." Approved September 28, 1850.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 21, 1903.

No. 169, S.]

[Published May 27, 1903.]

CHAPTER 406.

AN ACT to amend section 1437 of the statutes of 1898 relative to the promotion of anatomical science.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Bodies for dissection; western judicial district. SECTION 1. Section 1437 of the statutes of 1898 is hereby amended by striking out the whole of said section, and inserting in lieu thereof the following: "Section 1437. Every public officer located and residing in the western United States judicial district, for the state of Wisconsin, having charge of the body of any deceased person required to be buried at public expense, shall promptly notify the relatives or kindred of such deceased person, if he knows, or can with reasonable diligence ascertain any of them, and deliver the body to any relative or kindred who shall claim the same, within a reasonable time after notice; but if any relative or kindred, or any one in their behalf, shall not claim the same within forty-eight hours after death, or if the relatives or kindred notified shall have expressed acquiescence in the disposition thereof hereinafter mentioned, such officer shall at the expense of the university of Wisconsin immediately notify the demonstrator of anatomy of the university by telegraph, if practicable, or in any other expeditious manner, that such body is at his disposal for anatomical purposes. The said demonstrator, when generally authorized thereto by the regents, shall immediately upon receipt of such notification, inform the officer whether such body is desired for such purpose. If he signify that it is so desired, the officer shall deliver the body properly encased for transportation without charge to the agent of the express company at the nearest railroad station, consigned to such demonstrator, or to his agent authorized to receive it; provided, that if previous application for bodies shall have been made to the regents of the university by any duly incorporated college or colleges or medical schools in said district, he shall under the direction of the president of the university, or in his absence the vice-president, equitably distribute such bodies between the university and the

applying colleges and schools according to their respective needs and claims, the institution receiving the body paying the transportation expenses incidental thereto. If the demonstrator shall not desire such body for such purpose for the university or applying college or school, then he shall immediately notify the Milwaukee Medical College and the Wisconsin College of Physicians and Surgeons of Milwaukee, Wisconsin, and thereupon such public officer upon like application if immediately made, and like assumption of liability for expenses, all as aforesaid, shall without charge deliver such body so encased for transportation to such express company's said agent consigned to said Milwaukee Medical College or Wisconsin College of Physicians and Surgeons, which shall first present him an order therefor, signed by the president or secretary thereof, which order shall state that such body shall be used only for the promotion of anatomical science within this state, and that the remains of such body not so used, shall be afterwards decently buried or cremated in compliance with such regulations therefor as the state board of health shall prescribe.

Bodies for dissection; eastern judicial district. SECTION 2. Every public officer located and residing in the eastern United States judicial district for the state of Wisconsin, having charge of the body of any deceased person required to be buried at public expense, shall promptly notify the relatives or kindred of such deceased person, if he knows, or can with reasonable diligence ascertain any of them, and deliver the body to any relative or kindred who shall claim the same, within a reasonable time after notice, but if no relative or kindred or any one in their behalf shall claim the same within forty-eight hours after death, or if the relatives or kindred notified shall have expressed acquiescence in the disposition thereof hereinafter mentioned, such officer shall immediately notify such agent as shall be appointed jointly by the Milwaukee Medical College and the Wisconsin College of Physicians and Surgeons of Milwaukee, Wisconsin, by telegraph if practicable, or in any other expeditious manner, that such body is at his disposal for anatomical purposes, and shall deliver such body, without charge, to the agent of said colleges so appointed, or properly encased for transportation, to the agent of the express company at the nearest railroad station consigned to such incorporated college or school as such jointly appointed agent shall direct, provided that if previous applications for bodies shall have been made to the said jointly appointed agent by any other duly incorporated

college or colleges or medical schools in said district, he shall under the direction of the presidents of said Milwaukee colleges, or in the absence of either, the vice-president acting, equitably distribute such bodies between the said Milwaukee colleges and said other incorporated colleges and schools in said district, according to their respective needs and claims, and such body shall be consigned to the distributee accordingly, the institution receiving the same paying the transportation expenses incidental thereto and presenting to such public officer an order therefor signed by the president or secretary of the college or school to which the same is to be given, stipulated for the payment of such transportation expenses and stating that such body shall be used only for the promotion of anatomical science within this state, and that the remains of such body not so used shall be afterwards decently buried or cremated in compliance with such regulations therefor as the state board of health shall prescribe.

Bodies not to be used for purposes of dissection, when. SECTION 3. But in any event, the body of any person who in his last sickness shall make request to be buried or cremated, and of any stranger or traveler who shall have suddenly died, shall not be so disposed of. No person having charge of any body hereby authorized to be disposed of, shall sell or deliver the same to any one to be used for scientific or other purposes outside of the state; and no body of any person who shall die with smallpox, diphtheria or scarlet fever shall be disposed of as herein provided.

How treated; delivery of, to relatives. SECTION 4. Upon the receipt of any body at the state university or any medical college, it shall be properly embalmed for preservation, and shall be retained for twelve days before being used or dismembered for anatomical purposes, and shall be delivered to any relative or kin of the deceased claiming the same, upon payment of the expenses incurred respecting such body, and satisfactory proof of relationship.

Penalty. SECTION 5. Any officer or person having in charge, refusing to report and deliver such body of any deceased person, when applied for and required by the provisions of this act, or violating the provisions of this act, forbidding the sale, disposition or delivery of any such body, to be used for scientific or other purposes outside of the state, shall be liable

to the person, regents, or medical colleges herein named, aggrieved, in the sum of fifty dollars, to be recovered in an action.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved May 21, 1903.

No. 337, S.]

[Published May 27, 1903.

CHAPTER 407.

AN ACT relating to the terms of circuit judges.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Termination of terms. SECTION 1. The terms of the circuit judges now in office shall terminate respectively as follows:

The terms of Ellsworth Burnett Belden of the first circuit shall terminate at midnight of the day preceding the first Monday of January, 1908.

The term of Lawrence W. Halsey of the second circuit shall terminate at midnight of the day preceding the first Monday of January, 1906.

The term of Warren D. Tarrant of the second circuit shall terminate at midnight of the day preceding the first Monday of January, 1906.

The term of George W. Burnell of the third circuit shall terminate at midnight of the day preceding the first Monday of January, 1909.

The term of Michael Kirwan of the fourth circuit shall terminate at midnight of the day preceding the first Monday of January, 1905.

The term of George Clementson of the fifth circuit shall terminate at midnight of the day preceding the first Monday of January, 1907.

The term of John J. Fruit of the sixth circuit shall terminate at midnight of the day preceding the first Monday of January, 1907.

The term of Charles M. Webb of the seventh circuit shall

terminate at midnight of the day preceding the first Monday of January, 1909.

The term of Eugene W. Helms of the eighth circuit shall terminate at midnight of the day preceding the first Monday of January, 1909.

The term of E. Ray Stevens of the ninth circuit shall terminate at midnight of the day preceding the first Monday of June, 1904, and the term of his successor shall terminate at midnight of the day preceding the first Monday of January, 1909.

The term of John Goodland of the tenth circuit shall terminate at midnight of the day preceding the first Monday of January, 1910.

The term of Aad J. Vinje of the eleventh circuit shall terminate at midnight of the day preceding the first Monday of January, 1907.

The term of Benjamin F. Dunwiddie of the twelfth circuit shall terminate at midnight of the day preceding the first Monday of January, 1907.

The term of James J. Dick of the thirteenth circuit shall terminate at midnight of the day preceding the first Monday of January, 1906.

The term of Samuel D. Hastings of the fourteenth circuit shall terminate at midnight of the day preceding the first Monday of January, 1908.

The term of John K. Parish of the fifteenth circuit shall terminate at midnight of the day preceding the first Monday of January, 1906.

The term of Willis C. Silverthorn of the sixteenth circuit shall terminate at midnight of the day preceding the first Monday of January, 1910.

The term of James O'Neill of the seventeenth circuit shall terminate at midnight of the day preceding the first Monday of January, 1910.

All of said circuit judges shall hold their offices until their successors shall be elected and qualified.

Terms defined. SECTION 2. "The terms of office of circuit judges authorized to be chosen by section 7 of article VII of the constitution of the state of Wisconsin, as amended in 1897, shall be for a period of six years and until their respective successors shall be elected and qualified, when elected for a full term, and shall commence on the first Monday of January next succeeding their election and, when elected to fill a vacancy,

shall commence on the first Monday of June next succeeding their election, and they shall hold for the residue of the term only and until their successors shall be elected and qualified, except as otherwise provided by chapter 2 of the laws of Wisconsin for the year 1903.”

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved May 21, 1903.

No. 211, S.]

[Published May 27, 1903.

CHAPTER 408.

AN ACT to amend section 21, statutes of 1898, as amended by section 1, chapter 96, laws of 1899, relating to notice of election by county clerk.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Notice of election, how published. SECTION 1. Section 21, statutes of 1898, as amended by section 1, chapter 96, laws of 1899, is amended by striking out the words “one newspaper published therein” in the fifth line of said section, and inserting in lieu thereof, the words “two newspapers published therein, one of which publications shall be made in a newspaper which advocates the principles of the political party that at the last preceding election cast the largest number of votes and the other publication shall be made in a newspaper which advocates the principles of the political party that then cast the next largest number of votes” so that said section, when so amended, shall read as follows: “Section 21. The county clerk thereupon shall forthwith cause a notice containing so much of the notice so received by him as relates to the questions and officers to be voted for in his county together with a statement of the several county officers to be elected by the voters of his county, to be published in at least two newspapers published therein, one of which publications shall be made in a newspaper which advocates the principles of the political party that at the last

preceding election cast the largest number of votes and the other publication shall be made in a newspaper which advocates the principles of the political party that then cast the next largest number of votes, once each week until election and transmitted by mail to each town clerk, the clerk of each village in which the next ensuing general election will be held, and to one of the inspectors of election in each election district in every city of his county. Whenever the office of county clerk is vacant and there shall be no person authorized to perform his duties, the sheriff shall make out and so transmit such notices."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 21, 1903.

No. 237, S.]

[Published May 28, 1903.

CHAPTER 409.

AN ACT to refund to the city of New Richmond an amount of money collected from the same by the state of Wisconsin, and making an appropriation therefor.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Purpose of appropriation. SECTION 1. There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated the sum of seven hundred forty-nine dollars, to reimburse the city of New Richmond for interest collected from said city on its loan from the trust funds after the passage of chapter 286 of the laws of 1901.

To whom payable. SECTION 2. The state treasurer shall pay the amount appropriated by this act to the city treasurer of said city of New Richmond.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved May 21, 1903.

No. 294, S.]

[Published May 28, 1903.]

CHAPTER 410.

AN ACT to amend section 1 of chapter 408 of the laws of 1901, and providing for the payment of the salary and expenses of the state fish and game warden from the hunting license fund.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Duties and salary of fish and game warden; hunting license fund. SECTION 1. Section 1 of chapter 408, of the laws of 1901, is hereby amended by adding after the word "governor" in the thirty-second line thereof the words "to be paid out of the fund known as the hunting license fund," so that when so amended, the said section shall read as follows: Section 1. The governor shall appoint a state fish and game warden who shall hold his office for the term of two years from the date of his appointment and until his successor is elected and qualified, unless sooner removed; and any vacancy occurring during said term shall be filled by the governor for the residue of the term. It shall be the duty of said warden to secure the enforcement of the law for the preservation of fish and game and to bring or cause to be brought actions and proceedings in the name of the state to recover any and all fines and penalties provided for. He shall also perform the same duties as are in section 1636c, as amended by chapter 353, laws of 1899, prescribed for fire wardens, and shall further report to the land commissioners any information relating to the state lands as shall from time to time be required and concerning any trespasses thereon which may come to his knowledge. Such warden shall devote all his time to the duties of his office and shall receive a salary of eighteen hundred dollars per year and his actual expenses and disbursements to be paid upon vouchers therefor approved by the governor to be paid out of the fund known as the hunting license fund.

SECTION 2. This act shall take effect and be in force from and after the first day of September, A. D. 1903.

Approved May 21, 1903.

No. 68, S.]

[Published May 26, 1903.]

CHAPTER 411.

AN ACT to amend chapter 56c, entitled, "Of the state board of dental examiners," of the statutes of 1898, being sections 1410e, 1410f, 1410g, 1410h, 1410i, and 1410j, as amended by chapter 97 of the laws of 1901.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Recommendation and appointment; terms; vacancies. SECTION 1. Section 1410e of chapter 56c, statutes of 1898, is hereby amended by inserting after the word "appointed" and before the word "vacancies," in the sixth line of said section, the following: "and any such appointee may be selected by the governor from among such persons as may be recommended to him therefor by the Wisconsin State Dental Society," so that said section when so amended shall read as follows: "Section 1410e. The state board of dental examiners, as heretofore constituted, is hereby continued. It shall consist of five practicing dentists, at least three of whom shall be members of the Wisconsin State Dental Society. The members of such board shall be appointed by the governor for the term of five years and until their successors are appointed, and any such appointee may be selected by the governor from among such persons as may be recommended to him therefor by the Wisconsin State Dental Society. Vacancies shall be filled by the governor for the unexpired portion of the term. It shall be the duty of said board to enforce the provisions of this chapter."

Officers; meetings; record. SECTION 2. Section 1410f of said chapter 56c of the Wisconsin statutes of 1898 is hereby amended by striking out the words "at least" in the fourth line, and by striking out the words "each year at such time," in the fourth line, and inserting in lieu thereof the words "in the month of June in each year and," and inserting after the word "and" in the fourth line, and before the word "place" in the fifth line, the words "at such" and by inserting after the word "be," in the fifth line, the words "called in such manner and," so that said section when so amended shall read as follows:

“Section 1410f. The officers of the board shall be a president and a secretary, who shall be chosen from the members thereof in such manner and for such terms as may be provided by the by-laws. One meeting of the board shall be held in the month of June in each year and at such place as may be fixed; other meetings may be called in such manner and held when and where the board may determine. A majority of the members shall constitute a quorum. The secretary’s record of the proceedings of the board shall be open to public inspection at all reasonable times.”

Registration fee; list of persons registered; annual re-registration. SECTION 3. Section 1410g of said chapter 56c of the statutes of 1898 is hereby amended by inserting after the word “dollar,” in the seventh line, the following: “All persons licensed by the board shall annually register in like manner,” and by adding at the end thereof the following: “Every person who, prior to the passage and publication of this act, was duly licensed by the board to practice dentistry in this state, and who has annually registered, according to law, shall be allowed to continue to practice dentistry in this state, so long as he shall conform to the requirements of said chapter 56c, as hereby amended, and said board shall have power to revoke the license of any person who has failed, or may hereafter fail, to annually register as herein provided, if, for ninety days after notice in writing from said board of such neglect, such person shall fail to so register,” so that said section when so amended shall read as follows: Section 1410g. Every person who was engaged in the practice of dentistry in this state on the thirtieth day of September, 1885, may continue such practice without incurring any of the liabilities imposed by this chapter, by annually causing his name and residence or place of business to be registered by said board, who shall keep a book for that purpose. Such registration may be made by furnishing proof of the fact of being then so engaged and paying a fee of one dollar. All persons licensed by the board shall annually register in like manner. A certified list of the persons registered in each county shall be furnished the clerk thereof by the board of examiners and the names on such list shall be registered by such clerk in a book kept for that purpose. Each registration shall expire on the thirtieth day of September following its entry. Every person who, prior to the passage and publication of this act, was duly licensed by the board to practice dentistry in this state, and who has annually registered

according to law, shall be allowed to continue to practice dentistry in this state, so long as he shall conform to the requirements of said chapter 56c, as hereby amended, and said board shall have power to revoke the license of any person who has failed or may hereafter fail, to annually register as herein provided, if, for ninety days after notice in writing from said board of such neglect, such person shall fail to so register."

Examination; license. SECTION 4. Section 1410h of said chapter 56c of the statutes of 1898 is hereby amended by striking out all of said section after the word "provided," in the fourth line of said section, and substituting in lieu thereof the following: "The state board of dental examiners may, in its discretion, except as otherwise provided in this section, license, without examination, only a regular graduate of a duly incorporated, and in the judgment of said board, reputable dental college, in which the applicant shall have pursued four full courses of lectures of at least seven months each, and which requires for admission thereto a preliminary education equivalent to that required for entrance to the junior class of an accredited high school, or a graduate from such college who, having attended the last full course in the college issuing the diploma, shall have received his dental education, prior to said last course, in a dental college or colleges having an equal standard as to courses of study and preliminary requirements. Any regular graduate of a duly incorporated and, in the judgment of the board, reputable dental college, and any person, who shall have been regularly engaged in the reputable practice of dentistry consecutively for four years immediately preceding his application for examination, or any person who has served as an apprentice to a dentist, engaged in the reputable practice of dentistry, for a period of five years, who may desire a license to practice dentistry in this state, may appear before the state board of dental examiners, at any regular meeting, and be examined in reference to his knowledge and skill in dental surgery. If such examination shall prove satisfactory to said board, the board shall issue to such person a license to practice dentistry in this state, in accordance with the provisions of this chapter. All licenses shall be signed by the members of the board and be attested by the president and secretary. Every license shall be prima facie evidence of the right of the licensee to practice dentistry in this state in accordance with the provisions of this chapter. Said board shall, however, license, without examination, any regular graduate of a regularly incorpor-

ated and, in the judgment of said board, reputable dental college of this state, who shall be, at the time of the passage of this act, a regularly matriculated student, in regular and constant attendance upon the classes of such college, and who shall continue such attendance, taking the full prescribed course, until his graduation," so that said section when so amended shall read as follows: "Section 1410h. It shall be unlawful for any person who was not on the thirtieth day of March, 1885, engaged in the practice of dentistry in this state, to commence such practice until he shall have obtained a license as hereinafter provided. The state board of dental examiners may, in its discretion, except as otherwise provided in this section, license, without examination, only a regular graduate of a duly incorporated and, in the judgment of said board, reputable dental college, in which the applicant shall have pursued four full courses of lectures of at least seven months each, and which requires for admission thereto a preliminary education equivalent to that required for entrance to the junior class of an accredited high school, or a graduate from such college who, having attended the last full course in the college issuing the diploma, shall have received his dental education, prior to said last course in a dental college having an equal standard as to courses of study and preliminary requirements. Any regular graduate of a duly incorporated and, in the judgment of the board, reputable dental college, and any person who shall have been regularly engaged in the reputable practice of dentistry consecutively for four years immediately preceding his application for examination, or any person who has served as an apprentice to a dentist, engaged in the reputable practice of dentistry, for a period of five years, who may desire a license to practice dentistry in this state, may appear before the state board of dental examiners at any regular meeting and be examined in reference to his knowledge and skill in dental surgery. If such examination shall prove satisfactory to said board, the board shall issue to such person a license to practice dentistry in this state, in accordance with the provisions of this chapter. All licenses shall be signed by the members of the board and be attested by the president and the secretary. Every license shall be prima facie evidence of the right of the licensee to practice dentistry in this state, in accordance with the provisions of this chapter. Said board shall, however, license, without examination, any regular graduate of a regularly incorporated, and, in the judgment of the board, reputable dental college of this state, who shall be, at the time of the

passage of this act, a regularly matriculated student, in regular and constant attendance upon the classes of such college, and who shall continue such attendance, taking the full prescribed course until his graduation."

Unauthorized practitioners. SECTION 5. Section 1410i of said chapter 56c of the statutes of 1898 is hereby amended by striking out all of said section after the word "construed," in the sixth line thereof, and substituting in lieu thereof, the following: "so as to prevent any physician or surgeon residing in this state, duly licensed according to the laws of this state to practice his profession therein, from extracting teeth or performing any operation upon the palate or maxillary bones," and by adding to said section the following: "A person shall be deemed to be engaged in the practice of dentistry within the meaning of this act who shall treat diseases or lesions of the human teeth or jaws, or perform operations of any kind thereon, or manufacture or insert any artificial teeth, fixture or appliance for the restoration, regulation or improvement of the dental organs; but nothing in this act contained shall be construed so as to prevent a bona fide student, in regular attendance upon any dental college in this state from practicing dentistry under the direct supervision of one of his teachers, in the regular infirmary of such college," so that said section when so amended shall read as follows: "Section 1410i. Any person who shall practice dentistry in this state, without being annually registered or without being licensed as herein provided, shall be punished by a fine of not less than ten dollars nor more than one hundred dollars for each and every offence; each patient treated shall be a separate offence; provided, that this chapter shall not be construed so as to prevent any physician or surgeon residing in this state, duly licensed according to the laws of this state to practice his profession therein, from extracting teeth or performing any operation upon the palate or maxillary bones. A person shall be deemed to be engaged in the practice of dentistry within the meaning of this act who shall treat diseases or lesions of the human teeth or jaws or perform operations of any kind thereon, or manufacture or insert any artificial teeth, fixtures or appliances for the restoration, regulation or improvement of the dental organs; but nothing in this act contained shall be construed so as to prevent a bona fide student, in regular attendance upon any dental college in this state, from practicing dentistry, under the direct supervision of one of its teachers, in the regular infirmary of such college.

Fees; expenses; report. SECTION 6. Section 1410j of said chapter 56c of the Wisconsin statutes of 1898 is hereby amended by striking out after the word "applying," in the second line, and before the letter "a," at the beginning of the third line the following words, "or appearing for examination for license to practice dentistry," and substituting in lieu thereof the following: "for a license to practice dentistry in this state, whether such applicant be examined or not," and by inserting after the word "dollars," in the third line, the following: "which, in no case, shall be returnable," and by inserting after the word "and," in the third line, the words "shall charge," and by inserting after the word "each," in the third line of said section the word "annual," and by striking out all the rest of said section and substituting the following: "From the funds so received, all proper and reasonable expenses of the board, and each of its members, incurred in carrying out, maintaining and enforcing the provisions of this chapter, may be paid. No part of such expenses shall be paid out of the state treasury. Any excess of receipts over disbursements shall be held by the board to meet future expenses of the board and its members. The secretary of the board shall have custody of its funds and may be required to give a bond in such terms as the board may direct. An annual report of the proceedings of the board, containing an account of all moneys received and disbursed, pursuant to this chapter, shall be made to the governor on the thirtieth day of September," so that said section when so amended shall read as follows: "Section 1410j. Said board may charge each person applying for a license to practice dentistry in this state, whether such applicant be examined or not, a fee of ten dollars, which, in no case, shall be returnable, and shall charge for each annual registration one dollars. From the funds so received, all proper and reasonable expenses of the board, and each of its members, incurred in carrying out, maintaining and enforcing the provisions of this chapter, may be paid. No part of such expenses shall be paid out of the state treasury. Any excess of receipts over disbursements shall be held by the board to meet future expenses of the board and its members. The secretary of the board shall have custody of its funds and may be required to give a bond in such terms as the board may direct. An annual report of the proceedings of the board, containing an account of all moneys received and disbursed, pursuant to this chapter shall be made to the governor on the thirtieth day of September."

Powers. SECTION 7. Section 1410k. There is hereby added to said chapter a section which shall be known as section 1410k, which shall read as follows: "Section 1410k. Said state board of dental examiners shall have power to inquire into the qualifications and representations of any applicant for a license to practice dentistry, and for such purposes shall have power to send for witnesses, papers and documents and to administer oaths."

SECTION 8. This act shall take effect and be in force from and after its passage and publication.

Approved May 21, 1903.

No. 9, S.]

[Published May 28, 1903.

CHAPTER 412.

AN ACT to regulate the operation of warehouses for the storage of grain and issuing of warehouse receipts.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Office, where kept; record. SECTION 1. Every person, firm or corporation operating a warehouse in this state, either as owner, occupant or lessee, wherein grain or flax is received and stored in bulk by mixing the grain of different owners, and where warehouse receipts are issued thereon, shall maintain an office in the town, city or village where such warehouse is located, and shall keep in said office a complete record of all grain and flax received, stored and shipped.

Record to contain what. SECTION 2. The record mentioned in section 1 shall contain the name of the grain received and shipped, grade of same, the quantity, date of receipt, how stored (in a bin by itself or in common with other grain), date of shipment out with grade and quantity shipped.

Receipt to show record. SECTION 3. No warehouse receipt shall be valid unless the same is issued from said office and a

record made of same therein as hereinafter provided, before delivery of receipt, and every such receipt shall state on its face or by endorsement thereon that it is so recorded in the office of the warehouse issuing the same.

Receipts, how recorded. SECTION 4. Whenever warehouse receipts are issued there shall be kept in said office a complete record of the same by date, number, to whom issued, for what grain, giving name, grade, quantity, and when same are surrendered or canceled, a record of such cancellation.

Open to inspection; shipment. SECTION 5. The records above provided shall be open at all times during usual business hours to the inspection of any and all persons having grain or flax stored in said warehouse, or holding any warehouse receipt issued thereon, and the owner or holder thereof may require shipment or delivery of grain by surrendering his receipt or other evidence of storage at said office.

Penalty. SECTION 6. Any person or corporation and each and every officer, agent or employee thereof violating any provision of this act, or doing any act contrary to the provisions hereof, or failing to perform any duty imposed hereby, or refusing to comply with any requirement of this chapter, shall be deemed guilty of a misdemeanor, and shall be punished by a fine of one hundred dollars for each day of violation of the provisions of this act, or imprisonment not to exceed two years, or by both fine and imprisonment.

How construed. SECTION 7. Nothing herein contained shall be held in any way to repeal, amend or affect any of the provisions contained in chapter 251 of the laws of 1899 and amendments thereto.

SECTION 8. This act shall take effect and be in force from and after its passage and publication.

Approved May 21, 1903.

No. 706, A.]

[Published May 28, 1903.

CHAPTER 413.

AN ACT amendatory of chapter 130, laws of 1903, entitled
“An act to prohibit accident and health insurance without a
license.”

*The people of the state of Wisconsin, represented in senate and
assembly, do enact as follows:*

License; penalty; accident insurance defined; when not applicable. SECTION 1. Section 1 of chapter 130 of the laws of 1903 is hereby amended by adding to said section, after the word “work” in the last line of said section, the words “or any benefit society connected with any church or religious society;” so that said section when so amended, shall read as follows: Section 1. Any person, partnership, corporation, association, society or body of persons, who shall hereafter conduct an accident or health insurance business on the mutual plan in this state without first having complied with the law and received a license from the commissioner of insurance, shall be punished by fine of not less than fifty dollars nor more than five hundred dollars, or by imprisonment in the county jail not less than sixty days nor more than one year or by both such fine and imprisonment. Contracting or agreeing in any way whatsoever to pay indemnity or benefits or paying indemnity or benefits to any person in case of accident or sickness shall be deemed to be an accident or health insurance business. This section shall not apply to fraternal organizations which have a regular lodge system in this state with ritualistic work, or any benefit society connected with any church or religious society.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 21, 1903.

No. 705, A.]

[Published May 28, 1903.

CHAPTER 414.

AN ACT providing a bounty for the destruction of crows and hen hawks.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Bounty on crow; bounty on hen hawk. SECTION 1. Every person who shall kill any crow shall be entitled to a reward of ten cents, and every person who shall kill a hen hawk shall be entitled to a reward of twenty-five cents, provided the county board of any county shall by proper resolution so direct.

How obtained. SECTION 2. Any person claiming such reward shall exhibit the carcass of the crow or hen hawk so killed to the chairman of the board of supervisors of the town wherein it was killed and obtain from such chairman a certificate similar to the one provided for in section 1627 of the statutes of 1898. And the person claiming such reward shall within ten days after killing any such crow or hen hawk produce the head thereof to the county clerk of said county and take and subscribe the following oath:

State of Wisconsin, }
County of _____ } ss.

I, _____, do solemnly swear that the head produced by me is the head of a crow or hen hawk (as the case may be) taken and killed by me in the town of _____, in said county on the _____ day of _____, 19—; that I exhibited the carcass of such crow or hen hawk to the chairman of said town; that the certificate of said chairman now produced by me was signed by him in my presence, and that I have not spared the life of any crow or hen hawk within my power to kill.

Subscribed and sworn to before me this _____ day of _____, 19—.

(Official Title.)

Reward; certificate of county clerk. SECTION 3. Such reward shall be paid out of the general fund in the treasury of the county on the production of a certificate of the county clerk certifying that the holder thereof is entitled to a certain amount specifying the same as a reward for having killed and produced the heads of the number of crows or hen hawks for which the holder is entitled to such reward.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved May 21, 1903.

No. 252, A.]

[Published May 28, 1903.

CHAPTER 415.

AN ACT to amend section 1023a, as amended by chapter 250 of the laws of 1899 and 1024b, of the statutes of 1898, relating to the return and registration of births and deaths.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Notice and return of births. SECTION 1. Section 1023a, of the statutes of 1898, as amended by chapter 250 of the laws of 1899 are hereby amended so that said section shall read as follows: It shall be the duty of every physician attending the birth of a child to give notice as in this section provided, and where no physician or midwife is in attendance then it shall be the duty of parent and of every householder to give notice of the birth of any child occurring in such household within thirty days after such birth, to the health officer of the board of health existing in the city in which the birth occurs, and in case no health officer exists therein, the said notice shall be given to the city clerk; in towns and villages the said notice shall be given to the village or town clerk as the case may be. The keeper of a workhouse, house of correction, a prison, hospital or almshouse, and the master or other commanding officer of a ship, shall give like notice of every birth occurring among the per-

sons under his charge. Said notice shall give the full name of the child, if it have any, color, sex, name of any other issue living, born of same parents, full name of mother previous to marriage, hour, day of week, of month and year of birth, place, town or township or county in which born, birthplace of father and birthplace of mother. Said notice shall be made on blanks furnished by the secretary of state through the register of deeds of each county and shall contain at the bottom a blank for the registry of any important information not already reported, and also space for the health officer, town or village clerk, to certify that the above is a true return of said birth and of the other facts there recorded together with the date thereof. It shall be the duty of the health officer of every board of health in the cities in the state and in towns and villages, of the town and village clerk to collect all of the births that occur in the town or village in which he is an officer, and at the end of each month to certify all such notices of birth as he may have received or collected and forward the same to the register of deeds of the county in which said births occurred.

Certificate of death. SECTION 2. Section 1024 is hereby amended so that when amended it shall read: No person shall bury, prepare for incineration or remove from place where death occurs, any human body until he has received a permit to do so from the health officer, if the death occurs in a city or from the village or town clerk, if the death occurs in a village or town, and no permit shall be issued until there has been delivered to such health officer or clerk as the case may be a satisfactory certificate containing the full name of the person deceased, maiden name if wife or widow, color, sex, race, occupation, age, (giving years, months and days,) names and birthplace of father and mother and birthplace of deceased, name of wife, or of husband and date of birth of deceased, condition (whether single, married or widowed) and date of death, residence at time of death, primary and secondary cause of death, duration of disease, whether deceased was ever a federal soldier or sailor, place of burial, name of undertaker or other person conducting the burial or incineration, date of certificate, number and date of burial permit. Said certificate shall be signed by the physician last in attendance on deceased, if any there was, who shall state the primary and secondary cause of death according to the best information he can obtain, or in any case of violence, by a coroner or a justice of the peace. If there be no attending physician, or if the

certificate of the attending physician cannot be obtained for good and sufficient reasons early enough for the purpose, any physician employed for the purpose shall upon request of the health officer or clerk, make such certificate as is required of the attending physician, and in case there is no physician obtainable early enough for such purpose, the said certificate shall be made by a justice of the peace.

Fees for making returns. SECTION 3. Section 1024b, of the statutes of 1898, is hereby amended, so that when amended it shall read: In cities every physician and coroner or justice of the peace, who shall comply with the foregoing provisions shall receive for each certificate returned to the register of deeds and certified to as provided for, twenty-five cents, and every health officer or clerk, who collects and transmits to the register of deeds of any county any birth or death as herein provided, shall receive for each certificate so returned and certified fifteen cents; the said fees to be audited and paid out of the county treasury on an itemized account in accordance with the provisions of section 1026; but no duplicates shall be counted in computing such fees. And in towns and villages every parent, householder, physician and coroner or justice of the peace who shall comply with the foregoing provisions shall receive for each certificate returned to the register of deeds fifty cents, and for each certificate returned to the village or town clerk and certified to as provided for, twenty-five cents, and every village or town clerk who collects and transmits to the register of deeds of any county any birth or death, as herein provided, shall receive for each certificate, fifteen cents. The said fees to be audited and paid out of the county treasury on an itemized account in accordance with the provisions of section 1026, but no duplicates shall be counted in computing such fees.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved May 22, 1903.

No. 232, A.]

[Published May 28, 1903.

CHAPTER 416.

AN ACT to appropriate a sum of money therein named in payment for a medal for Capt. F. L. French of Sparta, Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Purpose of appropriation. SECTION 1. There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of seventy dollars, in payment for a medal for Captain Frank L. French of Sparta, Wisconsin, late of the 34th United States Volunteer Infantry, pursuant to the provisions of joint resolution No. 7, laws of 1899.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 22, 1903.

No. 699, A.]

[Published May 26, 1903.

CHAPTER 417.

AN ACT relating to the assessment of personal property in certain cases and amendatory of section 1040 and 1044, of the statutes of 1898.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Assessment of personal property, held by co-partners, etc., residing in different districts. SECTION 1. Section 1040 of the statutes of 1898 is hereby amended by adding at the end of said section the following: "When personal property held by co-partners, joint owners or owners in common shall, under the

foregoing provisions, be required to be assessed in the district in which such owners reside and such co-partners, joint or co-owners shall not all reside in the same district, such property shall be assessed in the district in which they shall have their principal office or place of business; and, if there be no such principal office or place of business, then in the district in which such property shall be located.”

Sections numbered and designated. SECTION 2. Section 1044 of the statutes of 1898, as amended by chapter 229 of the laws of 1901 is hereby amended by dividing the same into five sections to be numbered and designated as sections 1044, 1044a, 1044b, 1044c and 1044d and is otherwise amended so that said five sections shall read as follows:

Property held in charge, assessed to person acting in representative capacity. SECTION 1044. Personal property shall be assessed to the owner thereof, except that when it shall be in the charge or possession of some person other than the owner or person beneficially entitled thereto in the capacity of parent, guardian, husband, agent, lessee, occupant, mortgagee, pledgee, executor, administrator, trustee, assignee, receiver, or other representative capacity, it shall be assessed to the person so in charge or possession of the same. Telegraph and telephone poles, posts, railroad ties, lumber and all other manufactured forest products shall be deemed to be in the charge or possession of the person in occupancy or possession of the premises upon which the same shall be stored or piled, and the same shall be assessed to such person, unless the owner or some other person residing in the same assessment district, shall be actually and actively in charge and possession thereof, in which case it shall be assessed to such resident owner or other person so in actual charge or possession; but nothing contained in this clause shall affect or change the rules prescribed in section 1040 respecting the district in which such property shall be assessed.

Assessment, how made; liability and rights of representative. SECTION 1044a. When personal property shall be assessed to any person in charge or possession thereof as parent, guardian, husband, agent, lessee, occupant, mortgagee, pledgee, executor, administrator, trustee, assignee, receiver, or other representative capacity, the assessment thereof shall be entered upon the roll separately from the same person's assessment of his own

property, adding to his name upon such roll words briefly designating such capacity; but a failure to enter such assessment separately or to designate such representative capacity shall not affect the validity of the assessment. The person so assessed shall be personally liable for the tax thereon. He shall have a personal right of action against the owner or person beneficially entitled to such property for the amount of such taxes and shall have a lien therefor upon such property with the rights and remedies for the preservation and enforcement of such lien provided in sections 3346 and 3347. If any guardian, executor, administrator, trustee, receiver, agent or other person to whom personal property shall be so assessed shall render a final account of his trusteeship or agency to the court or to the owner or person beneficially entitled to such property before the taxes thereon shall be payable, he shall be entitled to retain out of the amount, otherwise due to the person entitled thereto, a sum sufficient to cover such taxes.

Actions to collect tax, proceedings in. SECTION 1044b. When personal property shall be assessed to some person in charge or possession thereof, other than the owner, such owner as well as the person so in charge or possession shall be liable for the taxes levied pursuant to such assessment; and the liability of such owner may be enforced in a personal action as for a debt. Such action may be brought in the name of the town, city or village in which such assessment was made, if commenced before the time fixed by law for the return of delinquent taxes, by direction of the treasurer or tax collector of such town, city or village. If commenced after such a return, it shall be brought in the name of the county or other municipality to the treasurer or other officer of which such return shall be made, by direction of such treasurer or other officer. Such action may be brought in any court of this state having jurisdiction of the amount involved and in which jurisdiction may be obtained of the person of such owner or by attachment of the property of such owner. The remedy of attachment may be allowed in such action upon filing an affidavit of the officer by whose direction such action shall be brought, showing the assessment of such property in the assessment district, the amount of tax levied pursuant thereto, that the defendant was the owner of such property at the time as of which the assessment thereof was made, and that such tax remains unpaid in whole or in part, and the amount remaining unpaid. The proceedings in such actions and for enforcement of the judgment obtained therein shall be

the same as in ordinary actions for debt as near as may be, but no property shall be exempt from attachment or execution issued upon a judgment against the defendant in such action. The assessment and tax rolls in which such assessment and tax shall be entered shall be prima facie evidence of such assessment and tax and of the justice and regularity thereof; and the same, with proof of the ownership of such property by the defendant at the time as of which the assessment was made and of the non-payment of such tax, shall be sufficient to establish the liability of the defendant. Such liability shall not be affected and such action shall not be defeated by any omission or irregularity in the assessment or tax proceedings not affecting the substantial justice and equity of the tax. The provisions of this section shall not impair or affect the remedies given by other provisions of law for the collection or enforcement of such tax against the person to whom the property was assessed.

Partnership; estates in hands of executor; personal property of, how assessed. SECTION 1044c. The personal property of a partnership may be assessed in the names of the persons composing such partnership, so far as known or in the firm name or title under which the partnership business is conducted, and each partner shall be liable for the taxes levied thereon. Undistributed personal property belonging to the estate of a person deceased shall be assessed to the executor or administrator if one shall have been appointed and qualified, on the first day of May in the year in which the assessment is made, otherwise it may be assessed to the estate of such deceased person, and the tax thereon shall be paid by the executor or administrator if one be thereafter appointed, otherwise by the person or persons in possession of such property at the time of the assessment.

Personal property in hands of two or more executors, etc., residing outside of state or in different districts, how assessed. Section 1044d. In case one or more of two or more executors of the will or administrators or trustees of the estates of a decedent, whose domicile at the time of his decease was in this state, shall not be residents within the state, the taxable personal property belonging to such estate shall be assessed to the executors, administrators or trustees residing in this state. In case there shall be two or more executors, administrators or trustees of the same estate residing in this state, but in different assessment districts, the assessment of such personal property shall be in the name of all such executors, administrators

or trustees, but in the assessment district in which the testator or intestate had his domicile at the time of his decease. In case the executor or administrator, or all of them if more than one, shall not reside in this state, such property may be assessed in the name of such executors or administrators or in the name of such estate in the assessment district in which the testator or intestate had his domicile at the time of his decease. The taxes imposed pursuant to such assessment may be enforced as a claim against the estate, upon presentation of such claim by the treasurer of such district to the court in which the proceedings for the probate of such estate are pending, and upon due proof such court shall allow and order the same to be paid; and before the allowance of the final account of a non-resident executor, administrator or trustee the court shall ascertain whether there are or will be any taxes remaining unpaid or to be paid on account of personal property belonging to the estate, and shall make such order or direction as may be necessary to provide for the payment thereof. The foregoing provisions shall not impair or affect any remedy given by other provisions of law for the collection or enforcement of taxes upon personal property assessed to executors, administrators or trustees.

SECTION 3. This act shall take effect and be in force from and after its passage and publication and shall apply to the assessment of personal property to be made in the year 1903.

Approved May 22, 1903.

No. 277, A.]

[Published May 28, 1903.

CHAPTER 418.

AN ACT to provide for the collection and publication of statistics relating to the sale of alcoholic liquors.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Statistics of sale and consumption of alcoholic liquors. SECTION 1. The commissioner of labor and industrial statistics

is hereby authorized and required to collect and publish all available facts concerning the manufacture, sale and consumption of spirituous, malt, vinous, or intoxicating liquors used as beverages in the state of Wisconsin.

Penalty. SECTION 2. The refusal of any dealer or manufacturer or employee of any dealer or manufacturer of said liquors to answer the questions, required by said commissioner under section one (1) of this act, shall be considered a misdemeanor, and said dealer or employee shall upon conviction thereof be fined not less than twenty-five (25) dollars nor more than one hundred (100) dollars, or imprisonment in the county jail not less than thirty days, nor more than sixty days.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved May 22, 1903.

No. 373, A.]

[Published May 28, 1903.]

CHAPTER 419.

AN ACT relating to the levee at the city of Portage, and vicinity, in the state of Wisconsin, and making an appropriation therefor.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Purpose of appropriation. SECTION 1. An amount not exceeding the sum of twenty thousand dollars is hereby appropriated from that portion of the drainage fund of this state not belonging to the counties or towns or to which the counties or towns would be entitled if the state swamp lands are sold as now provided by law, for the purpose of constructing and strengthening the levee system existing in the vicinity of Portage on the Wisconsin river in Columbia and Sauk counties, in the state of Wisconsin.

Commissioners, duties and powers of; transfer from drainage fund. SECTION 2. The governor of Wisconsin is hereby au-

thorized to appoint three commissioners, who shall have charge of the work of constructing and strengthening the said levee system now in existence, in such manner as in their judgment will best protect said city and vicinity from the overflow of the Wisconsin river. Said commissioners shall have full charge of said work and shall certify the bills which may be contracted and audit the same, and which shall be paid on the approval of the governor. Said commissioners are to serve without salary, but may be allowed the actual expenses incurred in the performance of their duties, to be paid out of this appropriation. If at any time there should be no money in the drainage fund available for the purpose of this act, the commissioners of public lands shall transfer to the drainage fund from any of the unemployed trust funds belonging to the state, an amount sufficient to meet such deficiency in said drainage fund, which sums so advanced shall be restored to the fund so drawn upon from the moneys first arising from that portion of the drainage fund of this state, not belonging to the counties or towns, nor to which the counties or towns would be entitled if the state swamp lands were sold as now provided by law, with four per centum per annum interest.

Right of way for levees, how furnished. SECTION 3. The right of way for such levees, if any shall be found necessary in addition to that already obtained, shall be furnished by the municipalities in which they are situated, and no work of construction shall be entered upon until it shall have been so furnished.

Requisitions, when made. SECTION 4. As the work of construction proceeds, the said commissioners, after auditing the bills, may make their requisitions from time to time for the necessary moneys to carry it forward, which requisitions, when approved by the governor, shall be audited by the secretary of state and warrants be drawn therefor.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved May 22, 1903.

No. 491, A.]

[Published May 28, 1903.

CHAPTER 420.

AN ACT amendatory of section 23 of the statutes of 1898 relating to the registry of electors.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Registry of electors, how regulated. SECTION 1. Amend section 23 of the statutes of 1898 by adding at the end thereof the following: "Provided, however, that in cities and villages having a population of more than two thousand and less than three thousand at the last previous census, the common council of such cities and the board of trustees of such villages, may by ordinance or resolution otherwise declare and provide as to such registration."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 22, 1903.

No. 493, A.]

[Published May 28, 1903.

CHAPTER 421.

AN ACT to amend section 1743 of the statutes of 1898, entitled, "Duty of inspector in district four; reports to; fees; lien."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Duty of inspector in district four; reports to; fees; lien. SECTION 1. Amend section 1743, statutes of 1898, by inserting after the words "St. Croix Improvement Company," in line sixteen of said section the following words: "or whenever any

such logs are landed below said booms upon the banks of the St. Croix river, by rail or otherwise;" and further, by striking out the word "three" in the twentieth line of said section, and inserting in lieu thereof the word "five," so that said section when so amended shall read as follows: Section 1743. The lumber inspector of said district number four shall annually, when requested by the owners thereof, make a full and perfect scale of all logs and lumber cut in said district, either cut upon permits or otherwise; which scale shall be made at the place where such logs were cut or landed, and when the same shall have been so scaled the respective owners thereof shall pay, upon demand, the fees prescribed therefor in section 1741. All persons engaged in cutting and manufacturing logs in said district shall annually, at the close of each logging season, make out and furnish to said inspector a statement, sworn to by the owner of such logs or the person who scaled the same, showing the amount and number of logs so cut and the mark or marks placed thereon, which said statement shall be filed in the office of said inspector. For receiving and filing any such statement, said inspector shall be paid the sum of twenty-five cents. When any logs heretofore or hereafter cut in said district, shall have been or shall be driven down the St. Croix river to the booms of the St. Croix Boom Corporation or the St. Croix Improvement Company, or wherever any such logs are landed below said booms upon the banks of the St. Croix river, by rail or otherwise, the said lumber inspector shall, as soon as such logs are assorted and delivered below said booms, scale the same and make and record a scale bill thereof and deliver a copy of such scale bill to the owner thereof, and shall be entitled to receive for such scaling and recording and one copy of such scale bill the sum of five cents per thousand feet. All fees provided for in this section shall remain a lien upon the logs scaled until the payment thereof; and said lien shall be enforced in the same manner as liens of laborers upon logs, as provided in chapter 143.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 22, 1903.

No. 627, A.]

[Published May 28, 1903.

CHAPTER 422.

AN ACT relating to the return of funds heretofore paid into the state treasury by the Wisconsin board of medical examiners.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Purpose of appropriation. SECTION 1. All sums heretofore paid into the state treasury by the Wisconsin board of medical examiners, shall after the passage and publication of this act, on application therefor, be returned to said board to be used for its necessary and reasonable expenses, and there is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of \$863.31 for that purpose.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 22, 1903.

No. 707, A.]

[Published May 28, 1903.

CHAPTER 423.

AN ACT to amend section 47 of the statutes of 1898, relating to election officers.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Ballot clerks. SECTION 1. Section 47 of the statutes of 1898, is hereby amended by adding at the end thereof the following: "Provided, however, that in election districts in which voting machines are used no ballot clerks shall be appointed."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 22, 1903.

No. 403, S.]

[Published May 28, 1903.

CHAPTER 424.

AN ACT to amend section 1347b, as amended by chapter 197 of the laws of 1899, relating to use of traction engines on highways.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Weight of engine. SECTION 1. Subdivision 1 of chapter 197 of the laws of 1899, amending section 1347b of the statutes of 1898, is hereby amended by striking out the word "seven" where it occurs in the first line on page 305 of the session laws of 1899, and inserting in lieu thereof the word "ten," so that said subdivision shall read as follows:

Subdivision 1. When such engine with its equipments and attachments and whatever it may be moving upon the highway shall weigh more than ten tons exclusive of the animals by which it is moved, if it is so moved.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 22, 1903.

No. 586, A.]

[Published May 29, 1903.]

CHAPTER 425.

AN ACT making the property of municipal, railroad and other corporations, liable for special assessments for local improvements, and providing for the collection thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Property subject to special assessments for local improvements.

SECTION 1. The property of every county, city, village, town and school district, within this state, and of every corporation, company or individual operating any railroad or street railway, telegraph, telephone, electric light or power system, or doing any of the business mentioned in chapter 51 of the statutes of 1898, and of every other corporation or company whatever, shall be in all respects subject to all special assessments for local improvements in the same manner and to the same extent as the property of individuals. Provided, that such assessments shall not extend to the right, easement or franchise to operate or maintain railroads, street railways, telegraph, telephone or electric light or power systems in streets, alleys, parks or highways.

Duty of officers; action to collect tax. **SECTION 2.** The officers now authorized by law to collect and receive the same from individuals shall have full power to receive and collect all such special assessments in the same manner as the same are now collected from individuals, and in addition thereto such officers shall have power, at the direction of the proper authorities of the city or village making such special assessments, upon the non-payment of any such special assessments by any corporation, company or individual mentioned in section one of this act, within the time now limited by law for the payment of such special assessments by individuals, or in the case of a county, city, village, town and school district, after the time now prescribed by law in the case of other claims, to institute and prosecute an action to collect the same in the name and at the cost of such city or village, and in such action it shall be sufficient to allege that the defendant is indebted upon a special

assessment, specifying the amount due and the date of the warrant issued for the collection of the same, and in the trial of such action the production of the proper warrant for the collection of such assessment together with the tax roll or list showing the amount thereof shall be prima facie evidence of the correctness and validity of such assessment and of the liability of the defendant therefor. Any judgment recovered in such action shall be collected in the manner now prescribed for the collection of judgments against such defendant.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved May 22, 1903.

No. 637, A.]

[Published May 29, 1903.]

CHAPTER 426.

AN ACT relating to the state board of medical examiners, and to the registration and licensing of persons engaged in the practice of medicine, surgery, or osteopathy in the state of Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Board of medical examiners created; appointments to, how made. SECTION 1. The governor shall appoint a board of medical examiners to be known as the Wisconsin State Board of Medical Examiners, consisting of eight (8) members. Such appointments shall be made from separate lists presented to him every second year, one list of ten (10) names presented by the Wisconsin State Medical Society, one list of ten (10) names presented by the Homeopathic Medical Society of the state of Wisconsin, one list of ten (10) names presented by the Wisconsin State Eclectic Medical Society, and one list of five (5) names presented by the Wisconsin State Osteopathic Association. In case any of said societies or associations fail to present such list of names, the governor may fill vacancies in the board by appointment from the last list filed by such asso-

ciation or society previous to the occurrence of such vacancy. The appointment of each member of said board shall be for the term of four (4) years and until his successor is appointed and qualified; the proportion of the different schools of medicine, as herein provided, shall be preserved. No instructor, stockholder, member of, or person financially interested in any school, college or university having a medical department, or of any school of osteopathy, shall be appointed a member of said board. Three members of said board shall be allopathic, two shall be homeopathic, two eclectic and one osteopathic, and all shall be licentiates of said board, and no member shall serve for more than two consecutive terms, provided nothing contained in this act shall be constructed as terminating or in any manner interfering with the term of any member of the present state board of medical examiners, but each of said members shall serve out his present term as a member of said board.

Meetings; powers; record; register. SECTION 2. Said board shall annually, at its July meeting, elect from its members a president, secretary and treasurer, and shall have a common seal. The president and secretary may administer oaths for the accomplishment of the objects of the board. Said board shall hold regular meetings on the second Tuesday in each January at Milwaukee and the second Tuesday of each July at Madison, and such other meetings at such other times and places as it may from time to time determine. The board shall keep a record of all its proceedings and also a register of all applicants for license, together with a record showing their ages, time spent in the study of medicine and the name and location of all institutions granting to such applicants, degrees or certificates of lectures in medicine, surgery or osteopathy. Said register shall also show whether such applicant was rejected or licensed, and said books and register shall be prima facie evidence of all the matters required to be kept therein.

Application for license; diploma; college requirements; license; certificate; fee. SECTION 3. All persons commencing the practice of medicine, surgery or osteopathy in any of their branches in this state, shall apply to said board at the time and place designated by said board, or at any regular meeting thereof for license so to practice, and shall present to said board a diploma from a reputable college of medicine and surgery or osteopathy. A college to be deemed reputable by this board shall require at least four courses of not less than seven months each before

graduation, no two of such courses to be taken within any one twelve months, and that shall require for admission thereto a preliminary education equivalent to that necessary for entrance to the junior class of an accredited high school in this state, including a one year's course in Latin, and that shall after the year 1906 require for admission to such school a preliminary education equivalent to graduation from an accredited high school of this state, and shall submit to an examination in the various branches in medicine and surgery usually taught in reputable medical colleges, or if the applicant be an osteopath he or she shall present a diploma from a regularly conducted college of osteopathy maintaining a standard in all respects equal to that hereby imposed on medical colleges as to preliminary education, said college after 1904 to give three courses of eight months each, no two courses to be given in any one twelve months, and after the year 1909 such college shall give four courses of seven months each, as hereinbefore provided for medical colleges, and shall pass the regular examination of such board in anatomy, histology, physiology, obstetrics, gynaecology, pathology, urinalysis, chemistry, toxicology, dietetics, physical and general diagnosis, hygiene, and theory and practice of osteopathy. The examination in Materia Medica, Therapeutics and Practice shall be conducted by members of the board representing the school of practice, which the applicant claims or intends to follow. After examination, as hereinbefore provided, the board shall, if it find the applicant qualified, grant a license to said applicant to practice medicine and surgery in all their branches in this state, or a license to practice osteopathy therein, which license can only be granted by the consent of not less than six members of said board, and which, after the payment of fees as hereinafter provided, shall be signed by the president and secretary thereof, and attested by the seal of the board. Osteopaths, when so licensed, shall have the same rights and privileges and be subject to the same laws and regulations as practitioners of medicine and surgery, but shall not have the right to give or prescribe drugs or to perform surgical operations. The fee for examination shall be fixed by the board, but shall not exceed \$15.00 in each case, with \$5.00 additional for the license issued. Such fee or fees shall be paid by the applicant to the treasurer of the board and may be applied toward defraying any proper and reasonable expenses of the board; provided, however, that any student who is exempted as a matriculant of any medical college of this state under chapter 306 of the laws of 1901, whose name is now on

is hereby authorized and required to collect and publish all available facts concerning the manufacture, sale and consumption of spirituous, malt, vinous, or intoxicating liquors used as beverages in the state of Wisconsin.

Penalty. SECTION 2. The refusal of any dealer or manufacturer or employee of any dealer or manufacturer of said liquors to answer the questions, required by said commissioner under section one (1) of this act, shall be considered a misdemeanor, and said dealer or employee shall upon conviction thereof be fined not less than twenty-five (25) dollars nor more than one hundred (100) dollars, or imprisonment in the county jail not less than thirty days, nor more than sixty days.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved May 22, 1903.

No. 373, A.]

[Published May 28, 1903.

CHAPTER 419.

AN ACT relating to the levee at the city of Portage, and vicinity, in the state of Wisconsin, and making an appropriation therefor.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Purpose of appropriation. SECTION 1. An amount not exceeding the sum of twenty thousand dollars is hereby appropriated from that portion of the drainage fund of this state not belonging to the counties or towns or to which the counties or towns would be entitled if the state swamp lands are sold as now provided by law, for the purpose of constructing and strengthening the levee system existing in the vicinity of Portage on the Wisconsin river in Columbia and Sauk counties, in the state of Wisconsin.

Commissioners, duties and powers of; transfer from drainage fund. SECTION 2. The governor of Wisconsin is hereby au-

thorized to appoint three commissioners, who shall have charge of the work of constructing and strengthening the said levee system now in existence, in such manner as in their judgment will best protect said city and vicinity from the overflow of the Wisconsin river. Said commissioners shall have full charge of said work and shall certify the bills which may be contracted and audit the same, and which shall be paid on the approval of the governor. Said commissioners are to serve without salary, but may be allowed the actual expenses incurred in the performance of their duties, to be paid out of this appropriation. If at any time there should be no money in the drainage fund available for the purpose of this act, the commissioners of public lands shall transfer to the drainage fund from any of the unemployed trust funds belonging to the state, an amount sufficient to meet such deficiency in said drainage fund, which sums so advanced shall be restored to the fund so drawn upon from the moneys first arising from that portion of the drainage fund of this state, not belonging to the counties or towns, nor to which the counties or towns would be entitled if the state swamp lands were sold as now provided by law, with four per centum per annum interest.

Right of way for levees, how furnished. SECTION 3. The right of way for such levees, if any shall be found necessary in addition to that already obtained, shall be furnished by the municipalities in which they are situated, and no work of construction shall be entered upon until it shall have been so furnished.

Requisitions, when made. SECTION 4. As the work of construction proceeds, the said commissioners, after auditing the bills, may make their requisitions from time to time for the necessary moneys to carry it forward, which requisitions, when approved by the governor, shall be audited by the secretary of state and warrants be drawn therefor.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved May 22, 1903.

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Penalty. SECTION 2. The refusal of any dealer or manufacturer or employee of any dealer or manufacturer of said liquors to answer the questions, required by said commissioner under section one (1) of this act, shall be considered a misdemeanor, and said dealer or employee shall upon conviction thereof be fined not less than twenty-five (25) dollars nor more than one hundred (100) dollars, or imprisonment in the county jail not less than thirty days, nor more than sixty days.

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Commissioners, duties and powers of; transfer from drainage fund. SECTION 2. The governor of Wisconsin is hereby au-

thorized to appoint three commissioners, who shall have charge of the work of constructing and strengthening the said levee system now in existence, in such manner as in their judgment will best protect said city and vicinity from the overflow of the Wisconsin river. Said commissioners shall have full charge of said work and shall certify the bills which may be contracted and audit the same, and which shall be paid on the approval of the governor. Said commissioners are to serve without salary, but may be allowed the actual expenses incurred in the performance of their duties, to be paid out of this appropriation. If at any time there should be no money in the drainage fund available for the purpose of this act, the commissioners of public lands shall transfer to the drainage fund from any of the unemployed trust funds belonging to the state, an amount sufficient to meet such deficiency in said drainage fund, which sums so advanced shall be restored to the fund so drawn upon from the moneys first arising from that portion of the drainage fund of this state, not belonging to the counties or towns, nor to which the counties or towns would be entitled if the state swamp lands were sold as now provided by law, with four per centum per annum interest.

Right of way for levees, how furnished. SECTION 3. The right of way for such levees, if any shall be found necessary in addition to that already obtained, shall be furnished by the municipalities in which they are situated, and no work of construction shall be entered upon until it shall have been so furnished.

Requisitions, when made. SECTION 4. As the work of construction proceeds, the said commissioners, after auditing the bills, may make their requisitions from time to time for the necessary moneys to carry it forward, which requisitions, when approved by the governor, shall be audited by the secretary of state and warrants be drawn therefor.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved May 22, 1903.

No. 671, A.]

[Published May 29, 1903.

CHAPTER 427.

AN ACT to amend subdivision 7 of section 925—133 of the statutes of 1898 giving cities organized under the general charter law, authority to issue bonds for city markets.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Bonds, for what purposes. SECTION 1. Subdivision 7 of section 925—133 of the statutes of 1898 is hereby amended by adding to the end thereof the following: "and for a city market place," so that said subdivision when so amended shall read as follows: 7. For the purchase or establishment of public parks, public drives, boulevards, cemeteries, garbage grounds, public hospitals and purchasing sites for public buildings, and for a city market place.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 22, 1903.

No. 672, A.]

[Published May 29, 1903.

CHAPTER 428.

AN ACT to amend subdivision 8 of section 926—11 of the statutes of 1898 authorizing cities under a special charter to issue bonds for the purchase of lands for a city market.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Issue of bonds; purposes. SECTION 1. Subdivision 8 of section 926—11 of the statutes of 1898 is hereby amended by adding at the end thereof the following: "and for the purchase of

land for a city market," so that said subdivision when so amended shall read as follows: 8. For the establishment of public baths and hospitals and the purchase of sites for the same; and for the purchase of land for a city market.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 22, 1903.

No. 694, A.]

[Published May 29, 1903.

CHAPTER 429.

AN ACT construing the statutes, relating to the bank examiner and conferring upon the commissioner of banking all the powers and duties of the bank examiner.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Terms defined; powers and duties conferred. SECTION 1. The words "bank examiner," wherever they shall appear in any statutory act of the state of Wisconsin, shall be construed to mean commissioner of banking, and all the powers and duties, authorized and prescribed by law, for the bank examiner, are hereby conferred upon the commissioner of banking.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 22, 1903.

No. 693, A.]

[Published May 29, 1903.

CHAPTER 430.

AN ACT to permit the town of Burlington, Racine county, to transfer property used for cemetery purposes to a cemetery association.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Transfer of lands, moneys, and other property, when. SECTION 1. The town board of the town of Burlington, Racine county, Wisconsin, when so instructed by a lawful vote of the electors thereof, shall transfer any lands, moneys, or other property held and used by it for cemetery purposes, including any gifts or bequests and the proceeds arising therefrom, given to it for cemetery purposes, to any corporation or cemetery association in said town organized for cemetery purposes.

How held when transferred. SECTION 2. Said property when so transferred shall be held and used by the cemetery corporation or association receiving the same, exclusively for cemetery purposes and in the manner prescribed by chapter fifty-nine of the statutes of 1898.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved May 22, 1903.

No. 675, A.]

[Published May 29, 1903.]

CHAPTER 431.

AN ACT conferring additional powers on the railroad commissioner, and adding new sections to chapter 87 of the statutes of 1898, and making an appropriation therefor.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby added to chapter 87 of the statutes of 1898 the several sections following, which shall read and be numbered as follows:

Depositions of non-resident witness, how taken. Section 1796a. The commissioner in any matter material to any examination herein provided for may cause the deposition of witnesses residing without the state or absent therefrom to be taken, upon notice to the railroad company interested, in like mode as the depositions of witnesses are taken in civil actions pending in the circuit court.

Report to governor to contain what. Section 1796b. The commissioner shall report to the governor the result of any examination made under the provisions of this chapter, setting forth a statement thereof in detail, and of all expenses incurred in conducting the same; such report shall also state whether in his opinion the company whose affairs have been examined has correctly set forth in its reports or any of them the facts required by law to be stated therein. Such report shall be transmitted by the governor to the next legislature at the beginning of the session.

Expert accountants; witness fees; duty of attorney general. Section 1796c. The commissioner is authorized to employ such expert accountants for such length of time and at such compensation as the governor may approve of to assist him in any such examination. Upon such examination witnesses shall be allowed the same fees for mileage and daily attendance as are allowed witnesses in proceedings in circuit courts. The attorney general upon the request of the commissioner, or by

the direction of the governor, shall attend upon any hearing before or examination by the commissioner, and conduct the examination of any witness whose deposition may be required by the commissioner.

Inspection of books, etc. Section 1796d. All officers, managers, agents or employes of any railroad company who shall be in possession of, or have access to, any books, papers, records or property which the said commissioner, or any person appointed by him may desire to inspect or examine, shall afford all reasonable facilities for examination thereof and for access thereto at all reasonable times.

Penalty, when. Section 1796e. Any person refusing to allow the examination of or to permit the commissioner, or any person appointed by him under the provisions of this chapter, to have access to any such books, papers, records or things which he may lawfully have the right to examine or inspect, or who shall refuse to furnish any information relative to such examination which may lawfully be required of him, or who shall, in any manner, hinder, delay or obstruct the thorough examination herein required, shall be deemed guilty of a misdemeanor and shall be liable on conviction thereof to a fine of not less than one hundred dollars or more than five thousand dollars, or imprisonment in the state prison for the period of not less than one year or more than five years, or by both such fine and imprisonment.

Forfeiture, when. Section 1796f. Any railway corporation which shall wilfully hinder, delay, obstruct or otherwise interfere with the commissioner, or any person appointed by him, in the discharge of his duties under this chapter, or who shall refuse to permit the commissioner, or any person appointed by him, to have access to all books, papers or records which he may lawfully examine or inspect, or who shall refuse to obey any order or subpoena issued by him, shall forfeit to the state a sum of money equal to ten per cent. of the license fee or tax which such corporation was required to pay to the state during the year preceding the time of such forfeiture. Such forfeiture shall be recovered in an action brought in the name of the state, and such act shall also be a cause for the forfeiture of all the rights, privileges and franchises of such railroad corporation whether granted by special charter or obtained under general laws, and the attorney general upon such neglect shall col-

lect by action the pecuniary forfeiture herein imposed, and also proceed to have forfeiture of such rights, privileges and franchises duly declared.

Not to be excused from testifying. Section 1796g. No person shall be excused from testifying or from producing books and papers before the commissioner or any person conducting any proceeding for him or under his direction, or in any action based upon or growing out of any examination under this chapter on the ground or for the reason that the testimony or evidence documentary or otherwise required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no person having so testified shall be liable to any prosecution or punishment for any evidence concerning which he is required to give his testimony or produce any documentary evidence, except a prosecution for perjury committed in giving such evidence.

Appropriation. SECTION 2. There is hereby appropriated out of the general fund, a sufficient sum of money to carry out the provisions of this act.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved May 22, 1903.

No. 563, A.]

[Published May 29, 1903.]

CHAPTER 432.

AN ACT to provide the means of self-support to adult blind artisans and the means of instruction to those desiring to become artisans, and to appropriate money therefor.

Preamble. Whereas, There are many adult blind residents of this state who have learned trades, either at the state school for the blind or elsewhere, but who are greatly embarrassed by reason of their infirmity in securing employment and who find themselves quite unable to compete successfully with those having sight, who are engaged in the same trades; and whereas, the

state school for the blind is not, and while it remains a school cannot be adapted to furnish those adult artisans with proper facilities to pursue their respective vocations without serious injury to the school; and, whereas, it is believed that if a place and some suitable appliances were furnished them, they could so compete and become self-supporting:

To the end, therefore, that such reasonable aid may be extended to such persons as will enable them successfully to pursue their several vocations:

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Duty of board of control; material and tools. SECTION 1. The state board of control is hereby authorized and directed, subject to the approval of the governor, to procure a building, by lease or otherwise, or suitable apartments in some building situated in the city of Milwaukee, in which any blind citizen of this state having learned a trade may, if practicable, pursue his vocation on his own account and receive for his own use the whole of the proceeds of his labor. Such building or apartments shall be heated and lighted under the direction of the board of control at the expense of the state. As a general rule, it is expected that artisans availing themselves of the privileges of this act will furnish their own materials and the tools required in their employment; but in cases of necessity the board may assist such workmen by furnishing for their use a limited amount of such tools.

Instruction. SECTION 2. The said board may also, in its discretion, provide means of instruction in such building or apartments to any adult blind resident of the state who desires to learn a trade, to enable such person to avail himself of the privileges and benefits conferred by this act.

Superintendent; compensation. SECTION 3. Said board is authorized to employ some person to have charge and superintendence of such building or apartments who shall direct what portion thereof shall be used by each person desiring to use the same. Said superintendent shall be paid a compensation to be fixed by the said board.

Appropriation. SECTION 4. There is hereby appropriated out of any moneys in the state treasury not otherwise appro-

riated, the sum of five thousand dollars (\$5,000) to be expended by the board of control in executing the requirements of this act during the current calendar year, and a further sum of five thousand dollars (\$5,000) for such expenses during the year 1904. The expenditures under this act shall not exceed the sums herein appropriated unless the amount shall be increased pursuant to the provisions of section 563 of the statutes of 1898.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved May 22, 1903.

No. 678, A.]

[Published May 29, 1903.]

CHAPTER 433.

AN ACT to exempt from taxation highway bridges across the St. Croix and Mississippi rivers.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Bridges exempt from taxation, location of. SECTION 1. So much of any bridge across the St. Croix or Mississippi rivers, together with the necessary highways and approaches thereto as lies in this state and is open to the general public for highway purposes, whether toll be charged thereon or not, owned exclusively by any county, city, village or town in this state or in the state of Minnesota, or owned jointly by any county, city, village or town, together with any other county, city, village or town in either of said states, shall be exempt from taxation.

When to apply. SECTION 2. This act shall apply to the assessment of 1903.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved May 22, 1903.

No. 425, A.]

[Published June 1, 1903.

CHAPTER 434.

AN ACT to create four free employment offices in the state to be located by a commission, providing for the appointment of a superintendent and fixing his salary, licensing private employment agencies, fixing penalties for a violation of its provisions and making an appropriation therefor, and repealing chapter 420 of the laws of Wisconsin for the year 1901.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Commission; Wisconsin Free Employment Offices. SECTION 1. There is hereby created not more than four free employment offices in the state, to be located in such cities or places as may be selected or named by a commission consisting of the governor, secretary of state and the attorney general, for the purpose of receiving applications of persons seeking employment, and applications of persons seeking to employ labor. Each such office shall be designated and known as Wisconsin Free Employment Office. The said offices shall be so located in such parts of the state by said commission as may best serve the interests of the people of the state.

Appointment of superintendents; salaries. SECTION 2. The commissioner of labor and industrial statistics shall recommend immediately after the passage of this act, and the governor shall appoint a superintendent for each of the offices created by section 1 of this act and who shall devote his time to the duties of his office. The tenure of such appointment shall be for two years, unless sooner removed for cause. The salary of each superintendent shall be fixed by said commission, not, however, to exceed twelve hundred dollars per annum, which sum, together with proper amounts for defraying the necessary costs of the equipping, running and maintaining the respective offices, rent for such offices not to exceed five hundred dollars per annum, shall be paid out of any funds in the state treasury not otherwise appropriated.

Duty of; sign for office; registration of applicants. SECTION 3. The superintendent of each such free employment office shall open an office in such city as shall have been determined by the above commission, and in such locality of said city as both the commissioner of labor and superintendent of said employment office may select, as being most appropriate for the purpose intended; provided, that said employment office shall be occupied in conjunction with the bureau of labor and industrial statistics when such bureau has an office in any of said cities, and in case said bureau has no office in any of said cities, then in that case the city council wherein said free employment office is established shall furnish and equip an office for said employment bureau, either in conjunction with a department of said city or separately without cost to the state, such office to be provided with a sufficient number of rooms or apartments to enable him to provide, and he shall so provide, a separate room or apartment for the use of women registering for situations or help. Upon the outside of each such office, in position and manner to secure the fullest public attention, shall be placed a sign which shall read in the English language, "Wisconsin Free Employment Office," and the same shall appear either upon the outside windows or upon signs in such other languages as the location of such office shall render advisable. The superintendent of each such free employment office shall receive and record in books kept for that purpose names of all persons applying for employment or help, designating opposite the name and address of each applicant, the character of employment or help desired. Separate registers for applicants for employment shall be kept, showing the age, sex, nativity, trade or occupation of each applicant, the cause and duration of non-employment, whether married or single, the number of dependent children, together with such other facts as may be required by the bureau of labor and industrial statistics to be used by said bureau; provided, that no such special registers shall be open to public inspection at any time, and that such statistical and sociological data as the bureau of labor may require shall be held in confidence by said bureau, and so published as not to reveal the identity of any applicant. And provided, further, that any applicant who shall decline to answer the questions contained in special register shall not thereby forfeit any right to any employment the office might secure.

Weekly report of superintendent; combination lists. SECTION 4. Each superintendent shall report on Thursday of each

week to the state bureau of labor and industrial statistics the number of applications for positions and for help received during the preceding week, also those unfilled applications remaining on the books at the beginning of the week. Such lists shall not contain the names or addresses of any applicant, but shall show the number of situations desired and the number of persons wanted at each specified trade or occupation. It shall also show the number and character of the positions secured during the preceding week. Upon receipt of these lists and not later than Saturday of each week, the commissioner of the said bureau of labor and industrial statistics shall cause to be printed a sheet showing separately and in combination the lists received from all such free employment offices; and he shall cause a sufficient number of such sheets to be printed to enable him to mail, and he shall so mail, on Saturday of each week, two of said sheets to each superintendent of a free employment office, one to be filed by said superintendent and one to be conspicuously posted in each such office. A copy of such sheet shall also be mailed on each Saturday by the commissioner of the state bureau of labor and industrial statistics to the state inspector of factories. It is hereby made the duty of said factory inspector to do all he reasonably can to assist in securing situations for such applicants for work, to secure for the free employment offices the co-operation of the employers of labor in factories, to immediately notify the superintendent of free employment offices of any and all vacancies or opportunities of employment that shall come to his notice.

Duty of superintendent as to manufacturers. SECTION 5. It shall be the duty of each such superintendent of a free employment office to immediately put himself in communication with the principal manufacturers, merchants and other employers of labor, and to use all diligence in securing the co-operation of the said employers of labor, with the purposes and objects of such employment offices.

Annual report. SECTION 6. It shall be the duty of each such superintendent to make a report to the state bureau of labor and industrial statistics annually, not later than December first of each year, concerning the work of his office for the year ending October first of the same year, together with a statement of the expenses of the same, and such reports shall be published by the said bureau of labor and industrial statistics annually. Each such superintendent shall also perform

such other duties in the collection of statistics of labor, as the commissioners of the bureau of labor and industrial statistics may require.

No fee to be charged applicant; penalty for accepting. SECTION 7. No fee or compensation shall be charged or received, directly or indirectly, from any person or corporation applying for employment or help through said free employment offices; and any superintendent or clerk who shall accept, directly or indirectly, any fee or compensation from any applicant, or from his or her representative, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined not less than twenty-five dollars nor more than fifty dollars and imprisoned in the county jail not more than thirty days.

Term "applicant" defined. SECTION 8. The term "applicant for employment" as used in this act shall be construed to mean any person seeking work of any lawful character, and "applicant for help" shall mean any person or persons seeking help in any legitimate enterprise. Nothing in this act shall be construed to limit the meaning of the term "work" to manual occupation, but it shall include professional service, and any and all other legitimate services.

License for other employment agencies. SECTION 9. No person, firm or corporation where a free employment office is located shall open, operate or maintain a private employment agency for hire or where a fee is charged to either applicants for employment or for help, without first having obtained a license from the secretary of state, for which license he shall pay one hundred dollars per annum; and no such private agent shall print, publish, or cause to be printed or published, or paint on any sign, window or newspaper publication, a name similar to that of the Wisconsin free employment offices. And any person, firm or corporation violating the provisions of this act, or any part thereof, shall be deemed guilty of a misdemeanor, and upon conviction such person, firm or, if a corporation, all the officers thereof, shall be fined not less than fifty dollars.

Dismissal of superintendent, when. SECTION 10. Whenever, in the opinion of the commissioner of the bureau of labor and industrial statistics, the superintendent of any free employment office is not duly diligent in the performance of his duties,

he may summon such superintendent to appear before him to show cause why he should not be recommended to the governor for removal, and unless such cause is clearly shown the said commissioner may so recommend. In considering such a case, a low percentage of positions secured to applicants for situations and help registered, lack of intelligent interest in the work, or a general inaptitude or inefficiency may be deemed by said commissioner sufficient to recommend a removal. And if, in the opinion of the governor, such lack of efficiency cannot be remedied by reproof and discipline, he shall remove such person from office as recommended by said commissioner; provided that the governor may at any time remove any superintendent or clerk for cause.

Supplies and stationery. SECTION 11. All such printing, blanks, bank books, stationery and postage as may be necessary for the proper conduct of the business of the offices herein created shall be furnished by the secretary of state upon requisition for the same made by the commissioner of the bureau of labor and industrial statistics.

SECTION 12. Chapter 420 of the laws of Wisconsin for the year 1901 is hereby repealed.

SECTION 13. This act shall take effect and be in force from and after its passage and publication.

Approved May 22, 1903.

No. 406, S.]

[Published June 1, 1903.

CHAPTER 435.

AN ACT to provide for the appointment of five commissioners who shall furnish to the next legislature information concerning the volume of legal business in the several judicial circuits of the state, and who shall report to said legislature a bill to re-district the state into judicial circuits comprising such territory in each as will equalize, as nearly as may be, the labors of the judges thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Commissioners; report to contain what. SECTION 1. The supreme court of the state is hereby authorized and requested to appoint, on or before the first day of August next, five competent persons as commissioners to ascertain and report to the next legislature the average duration per annum during the three years next preceding the first day of September, A. D. 1904, of the public sessions of the circuit court in each county of the state and showing the aggregate number of days of such employment by each circuit judge in each county and in his entire circuit, the number of actions heard and determined and such further facts concerning the time reasonably and necessarily consumed by each circuit judge in chambers or otherwise in the performance of his official duties, as to said commissioners shall appear relevant to the said inquiry.

Report filed, when; vacancy, how filled. SECTION 2. The said commissioners shall make their said report and file the same with the clerk of said court, on or before the first day of December, A. D. 1904. In case any of said commissioners shall before the completion of their said report, die, resign or otherwise become incapacitated to act, the vacancy so created in said commission shall be filled by appointment by the said court.

Duty of clerk and stenographer; judge to certify. SECTION 3. It is hereby made the duty of the clerk of the circuit court in each county, and of each official stenographer of said court

in each circuit, to prepare and certify to said commission such information and statistics as the commission may call for; which information and statistics shall also be certified by the proper circuit judge, upon information and belief, or upon actual knowledge, as the case may be, to be true and correct.

Duty of commission. SECTION 4. The said commission is hereby required to prepare and file with its said report a bill to be presented to the next legislature re-districting the state into judicial circuits in a manner that will, as far as practicable, equalize the labors of the several judges thereof.

No compensation for commissioners except expenses. SECTION 5. The commissioners shall be paid no compensation for their services, but their traveling and other necessary expenses, including clerk hire, incurred in and about the services hereby enjoined, shall be paid out of the state treasury after being audited and allowed by the secretary of state, who shall thereupon draw his warrant on the state treasurer in favor of the respective commissioners according to the amount allowed to each. Provided, that the sum incurred for clerk hire shall not exceed two hundred dollars.

Report and bill to be presented to judiciary committee. SECTION 6. The clerk of said court shall present said report and bill to the judiciary committee of either the assembly or the senate of the next legislature. The judiciary committee receiving said report and bill shall act upon the same according to law as in the case of a bill introduced and referred to such committee.

Printing and distribution of report. SECTION 7. The said commission shall procure to be printed by the state printer at the expense of the state, in pamphlet form, an edition of two thousand copies immediately after the first day of December, A. D. 1904. Such edition, when printed, shall be deposited with the superintendent of public property who shall immediately distribute the same to the several clerks of the circuit courts in proportion to the population of the several counties.

SECTION 8. This act shall take effect and be in force from and after its passage and publication.

Approved May 22, 1903.

No. 702, A.]

[Published June 1, 1903.

CHAPTER 436.

AN ACT amendatory of section 1966—38 of the statutes of 1898, relating to “premium as surety on official bonds.”

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Premium as surety on official bond. SECTION 1. Section 1966—38 of the statutes of 1898 is hereby amended so as to be and read when so amended as follows: Section 1966—38. The state, any county, town, village or city may pay out of the funds thereof the cost of any official bond furnished by any officer pursuant to law or any rules or regulations requiring the same, if said officer shall furnish a bond with a surety company or companies authorized to do business in this state, said cost not to exceed one-eighth of one per centum on the amount of said bond or obligation by said surety executed.

SECTION 2. Any and all acts or parts of acts conflicting or inconsistent with the provisions of this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved May 22, 1903.

No. 402, S.]

[Published June 1, 1903.

CHAPTER 437.

AN ACT revising the laws of this state, relating to the protection of fish and game, and amending sections 4560a, 4560b, 4560c, 4560d, 4560g, 4560j, 4562d, 4562e, 4563b, 4564, 4565e; section 4 of chapter 311 of the laws of 1899; section 14 of chapter 311 of the laws of 1899, as amended by section 14 of chapter 358 of the laws of 1901; section 15 of chapter 358 of the laws of 1901; section 22 of chapter 358 of the laws of 1901; and repealing section 6 of chapter 311 of the laws of 1899 as amended by section 1 of chapter 307 of the laws of 1901, and chapter 305 of the laws of 1901; and by adding six new sections numbered 2, 7, 14, 21, 22 and 23, and amending section 1497b of the statutes of 1898, relating to the powers and duties of the commissioners of fisheries.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Waters classified. SECTION 1. Section 4560a of the statutes of 1898 is amended so as to read as follows: Section 4560a. All rivers, streams, lakes and other waters entirely within the borders of this state, the Mississippi and St. Croix rivers, and Lake St. Croix, to the center of the channel of each, are hereby defined as inland waters. Lakes Michigan and Superior and the harbors and bays immediately connected therewith, Green Bay from the mouth of the Fox river, commencing at the most easterly point in section twenty-four, township twenty-four north, of range twenty east, of the fourth principal meridian, being the angle between the third and fourth runs or courses of the survey of the meander line of said section twenty-four, as shown by the original plat of the survey of said township of record in the land office of this state; running thence south forty-five degrees east, until the line reaches the main land in township twenty-four north, of range twenty-one east, and Lake Pepin, are hereby defined to be outlying waters.

Close season for prairie chicken. SECTION 2. Any person who shall take, catch, kill, hunt or pursue any prairie chicken before September first, 1905, in the counties of Door, Kewau-

nee, Brown, Outagamie and Marinette, shall be punished by a fine of not less than twenty-five dollars nor more than fifty dollars, or by imprisonment in the county jail not less than thirty days nor more than sixty days, in the discretion of the court.

Section repealed. SECTION 3. Section 6, chapter 311, laws of 1899, as amended by section 1, chapter 307, laws of 1901, is hereby repealed.

Close season for woodcock, etc. SECTION 4. Section 4562e of the statutes of 1898 is hereby amended so as to read as follows: Section 4562e. Any person who shall take, catch, kill, hunt or pursue any woodcock, partridge, pheasant, prairie chicken or prairie hen, grouse of any variety, plover or snipe, between the first day of December and the succeeding first day of September, shall be punished by a fine of not less than ten dollars nor more than fifty dollars, or by imprisonment in the county jail not less than ten days nor more than sixty days in the discretion of the court.

Close season for trout. SECTION 5. Section 4560c of the statutes of 1898, as amended by section 2, chapter 311, laws of 1899, is hereby amended so as to read as follows: Section 4560c. Any person who shall fish for, catch or kill in any of the inland waters of this state, with any device or in any manner, any variety of trout between the first day of September and the succeeding fifteenth day of April, or who shall ship without accompanying such shipment, or who shall sell, offer for sale or barter any variety of trout, caught in any of the inland waters of this state, shall be punished by a fine of not less than ten dollars or more than fifty dollars, or by imprisonment in the county jail not less than ten days nor more than thirty days, or by both such fine and imprisonment in the discretion of the court; provided that the owner or owners of private hatcheries may catch and dispose of trout propagated and raised therein, in the manner provided in section 1498m as amended by section 21, chapter 358, laws of 1901.

Use of spear. SECTION 6. Section 4, chapter 311, laws of 1899, is hereby amended so as to read as follows: It shall be unlawful, and is prohibited, to use a spear for the purpose of taking, catching or killing any fish in the inland waters of this state, except suckers, carp, sheepshead, dogfish, garfish, redhorse, bullheads or other fish not protected by the laws of this

state, or to use a spear for the purpose of taking, or taking any fish in the night time. Any person who shall violate the provisions of this section shall be deemed guilty of a misdemeanor and be punished by a fine of not less than ten dollars nor more than fifty dollars, or by imprisonment in the county jail not less than ten days nor more than sixty days, in the discretion of the court.

Fishing through the ice unlawful. SECTION 7. It shall be unlawful, and is hereby prohibited, for any person to fish in any manner through the ice, on Lake Mason, commonly known as Briggsville Pond, situated in the counties of Adams and Marquette, and on Eagle lake in Racine county, for a period of five years from March 1st, 1903; any person who shall violate any of the provisions of this section shall be deemed guilty of a misdemeanor and be punished by a fine of not less than ten dollars nor more than twenty-five dollars, or by imprisonment in the county jail not less than ten days nor more than thirty days, in the discretion of the court.

Close season for bass. SECTION 8. Section 4560b of the statutes of 1898, as amended by section 1, chapter 311, laws of 1899, is hereby amended so as to read as follows: Section 4560b. It shall be unlawful for any person to kill, capture or take by any device whatever, or in any manner in any of the inland waters of this state, any black, Oswego or yellow bass, muskellunge, pike, sturgeon or pickerel between the first day of March and the twenty-fifth day of May next succeeding (excepting that in Big Green lake in Green Lake county, the closed season for such bass shall be from the first day of March to the first day of July next succeeding, and in Devil's lake, Mirror lake in Sauk county the closed season for such bass shall be from the fifteenth day of December to the fifteenth day of June next succeeding), or to take or kill any bass in any of the waters of Geneva lake in Walworth county of a length less than six inches; provided, however, that the closed season prescribed in this section shall not apply to Rush lake in Fond du Lac and Winnebago counties, nor to Geneva lake in Walworth county, nor to the waters of Lake Winnebago, Lake Winneconne, Lake Butte des Morts, Lake Poygan, Little Lake Butte des Morts and the Fox and Wolf rivers; provided, further, that no black, Oswego or yellow bass, or sturgeon, shall be taken from any waters, except Geneva lake and Rush lake, during the closed season prescribed in this section. It shall be unlawful to sell

or offer for sale or to ship during the general closed season for fishing as prescribed in this section (the same being between March first and May twenty-fifth next succeeding), any black, Oswego or yellow bass, muskellunge, pike, sturgeon or pickerel taken from the inland waters of this state. Any person violating any of the provisions of this section shall be punished by a fine of not less than ten dollars nor more than twenty-five dollars, or by imprisonment in the county jail not less than ten days nor more than thirty days, in the discretion of the court.

Prohibited methods of hunting aquatic birds. SECTION 9. Section 4563b of the statutes of 1898, as amended by section 12, chapter 358, laws of 1901, is hereby amended so as to read as follows: Section 4563b. It shall be unlawful and it is hereby prohibited, for any person or persons to use in the pursuit of any wild duck, goose, brant or any other aquatic fowl, upon the waters of this state, any sneak boat, or boat propelled by an oar or oars operated from the sides or stern of such boat, or any sail boat, or boat propelled by steam, naphtha, electric, or other engine or machinery, or any battery, sink box or similar device, or to kill or attempt to kill, while occupying or using any such boat, box or other device outside or beyond the natural covering of leaves, reeds, grass or other vegetation growing above the water, any wild goose, duck, brant or other aquatic fowl, or to construct or use for the purpose of hunting, outside of such natural covering or upon the ice, any fixed or artificial blind or ambush; or for any person to use more than twenty-five decoys; such decoys to be personally set and watched by the owner, and to be plainly marked or stamped with the owner's name or initials. Any person who shall violate any of the provisions of this section shall be punished by a fine of not less than twenty-five dollars nor more than fifty dollars, or by imprisonment in the county jail not less than ten days nor more than thirty days, in the discretion of the court. All decoys used in violation of the provisions of this section are hereby declared to be contraband, and may be seized and sold to the highest bidder under the direction of the game warden, and the net proceeds of the sale to go into the hunting license fund. .

Close season for pheasant, quail, etc. SECTION 10. Section 4564 of the statutes of 1898, as amended by section 10, chapter 358, laws of 1901, is hereby amended so as to read as follows: Section 4564. Any person who shall take, catch, kill, hunt or pursue any Mongolian, Chinese, or English pheasant, or quail

of any variety before September first, 1905, shall be punished by a fine of not less than twenty-five dollars nor more than fifty dollars or by imprisonment in the county jail not less than thirty days nor more than sixty days in the discretion of the court.

Close season for rabbit, squirrel; hunting beaver prohibited; hunting rabbits, etc., on land owned or occupied. SECTION 11. Section 4565c of the statutes of 1898, as amended by section 11, chapter 358, laws of 1901, is hereby amended so as to read as follows: Section 4565c. It shall be unlawful for any person to take, catch, kill, hunt or pursue any rabbit or squirrel between the first day of May and the first day of September next succeeding; or to take, catch, kill, trap, hunt or pursue any beaver at any time or to take, catch, kill, hunt or pursue any marten, fisher, otter, muskrat or mink between the first day of May and the following first day of February; or to destroy or molest any muskrat house at any time. All guns, traps, boats or other implements used in violating any provisions of this section and all game taken in violation thereof may be seized, confiscated and sold by any warden as provided by law. Provided, however, that nothing contained in this section shall be construed so as to prohibit the owner or occupant of any land from hunting and killing rabbits and squirrels at any time without a license upon such land. And provided further, that the owner or lessee of any land may take muskrats thereon, or from the waters adjoining the same, in any manner from the fifteenth day of October to the first day of May following. Any person who shall violate any of the provisions of this section shall be punished by a fine of not less than twenty dollars nor more than fifty dollars or by imprisonment in the county jail not less than twenty days nor more than sixty days in the discretion of the court.

Duty of county clerk as to license moneys. SECTION 12. Section 24, chapter 358, laws of 1901, is hereby amended so as to read as follows: Section 24. It shall be the duty of each county clerk in this state to remit to the state treasurer, on the first day of each month, all moneys received by him for hunting or fishing licenses during the preceding month, and to report to the state fish and game warden the number of licenses issued, and the amount of money remitted to the state treasurer. He shall also keep in an index book the names of all licensees in alphabetical order, said names to be entered at the time the li-

censes are issued. Any county clerk who shall fail or refuse to comply with any of the provisions of this section shall on conviction thereof pay a penalty of not less than five dollars nor more than ten dollars or by imprisonment in the county jail not less than five days nor more than ten days.

Prohibited methods of fishing; use of set lines; license for; who to issue. SECTION 13. Section 4560d, of the statutes of 1898, as amended by section 3, chapter 311, of the laws of 1899, as amended by section 7, chapter 358, laws of 1901, is hereby amended so as to read as follows: Section 4560d. Any person who shall set, place or use in any of the inland waters of the state any net of any variety, or any trap, or any snare of any kind, which shall be intended to or might catch, take or kill fish, shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, and be imprisoned until such fine is paid, not exceeding ninety days. Set lines may be used from May twenty-fifth until the succeeding fifteenth day of February in the waters of Big Wolf river in Waupaca county, in Lake Winnebago, Lake Butte des Morts, Lake Winneconne, Lake Poygan, and the rivers connecting said lakes and also in the waters of the Fox river in Winnebago county and the Wisconsin river from the north line of Sauk county to its mouth, and also in the waters of the Black river, from the north line of Jackson county to its mouth, and also in the waters of the Mississippi river for the purpose of taking catfish or sturgeon, under the following restrictions: Any person who shall put out a set line shall first procure from the county clerk of any county bordering on such waters a license for that purpose, which shall be issued to him the same as hunting licenses are issued, and only one license shall be issued to each individual in each year. He shall also procure from the county clerk and attach to each one hundred yards or fraction thereof, of set line, a metal tag, but no more than ten such metal tags shall be issued with each license. The license shall be numbered and the metal tags issued to any license holder shall be stamped to correspond to the number of the license. The licensee shall pay one dollar for such license and twenty-five cents for each metal tag. The county clerk shall remit to the state treasurer ninety cents for each license so issued and he may retain for each tag issued the sum of five cents, provided he furnishes the tags. Otherwise the state fish and game warden shall furnish the tags when demanded. The moneys received by the county clerk or the state fish and game warden

under this section shall be remitted to the state treasurer and become a part of the hunting license fund. All licenses issued under this section shall expire on the fifteenth day of February of each year. No person shall assist in setting or taking up a set line who does not possess a license. Any person who shall set such a line shall maintain at each end thereof a white flag not less than sixteen inches square, and such flag shall be placed at least two feet above the water, and shall be numbered with figures at least three inches in size to correspond with the number of the license possessed by the person setting the line. Any game warden or deputy warden or any person having the powers of a game warden within the provisions of the laws of this state, is authorized to raise at any time, with as little damage as may be, any set line to see if the same is set according to the provisions of this section. The state game warden is hereby authorized and required to furnish the county clerks, upon application, the licenses and tags provided for herein. Any person who shall be convicted of violating the provisions of this section shall, if he possesses a license under the provisions of this section, forfeit the same and shall not be granted another license for the term of three years and shall be further punished by a fine or imprisonment as provided in this section. Set lines set in violation of the provisions of this section shall be considered public nuisances.

Contraband defined. SECTION 14. Any boat together with its machinery, sails, tackle and equipment, and any gun used in violation of any of the fish and game laws of this state, is hereby declared to be contraband and may be seized, confiscated and sold by any game warden, to the highest bidder, and the net proceeds of sale paid into the state treasury and credited to the hunting license fund.

Chapter repealed. SECTION 15. Chapter 435 of the laws of 1901 is hereby repealed.

Fishing through ice; lakes affected. SECTION 16. Section 4560g of the statutes of 1898, as amended by section 5, chapter 311, laws of 1899, as amended by section 1, chapter 53, laws of 1901; is hereby amended so as to read as follows: Section 4560g. Any person who shall fish through the ice in any of the inland waters of this state with more than five lines to each person, and more than one hook to any line, or who shall construct upon the ice of said waters, except Sturgeon Bay, Ge-

neva lake, in Walworth county, Winnebago lake, the Mississippi river, all lakes in Waukesha county, Little Lake Butte des Morts, and on Black river from its mouth to the north line of the city of Onalaska, any building or enclosure of any nature whatsoever which shall conceal the person of the occupant while engaged in fishing through the ice, or who shall occupy any building or enclosure while engaged in so fishing, shall be punished by a fine of not less than twenty dollars nor more than fifty dollars, or by imprisonment in the county jail not more than thirty days. It is hereby provided that the buildings permitted to be placed on the ice on Black river may be occupied for the purpose of spearing carp, red-horse, buffalo and suckers.

Close season for deer; prohibited method of hunting; penalty.

SECTION 17. Section 4562d of the statutes of 1898, as amended by section 9, chapter 311, laws of 1899, as amended by section 9, chapter 358, laws of 1901, is hereby amended so as to read as follows: Section 4562d. Any person who shall take, pursue or kill, by any device or contrivance whatever, or pursue with the intent to take, kill or worry any deer, buck, doe or fawn between the thirtieth day of November and the succeeding tenth day of November in the year following (all the year excepting the last twenty days in November being thereby intended to be included in the closed or prohibited season for such animals), or who shall hunt deer, buck, doe or fawn, at any time with dogs or in the night time, or in either the counties of Sauk, Adams, Columbia, Richland and Marquette at any other time than during the last ten days in November of each year, or in either the counties of Fond du Lac, Sheboygan, Manitowoc and Calumet, at any time, or in the counties of La Crosse, Monroe, Vernon, Trempealeau and Jackson until the open season for deer in 1907, or who shall kill or capture any deer, buck, doe or fawn, or attempt to kill or capture such, in the waters or on the ice of any of the streams, lakes or ponds, within the jurisdiction of this state at any time, or who shall take, catch or kill, or attempt to take, catch or kill any deer, buck, doe or fawn, by means of any pit, pit-fall or trap at any time; or who shall make use of any artificial light in hunting deer; or have in his possession the skin of any deer when it is in its red coat, or of any fawn when it is in its spotted coat; or who shall kill more than two deer in any one year, shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment in the county jail not less than two months nor more than six

months, or by both such fine and imprisonment in the discretion of the court.

Use of net in outlying waters. SECTION 18. Section 4560j of the statutes of 1898, as amended by section 7, chapter 311, laws of 1899, as amended by section 25, chapter 358, laws of 1901, is hereby amended so as to read as follows: Section 4560j. Any person who shall set or cause to be set in the waters of Lake Superior within one mile of the main shore thereof, within the jurisdiction of this state, or the entire Chequamegon Bay, or waters south of an east and west line drawn from the extreme northwest end of Long Island or Chequamegon Point to the mainland in Bayfield county, or within one-quarter of a mile of any harbor, pier, or breakwater on the shores of Lake Michigan within the jurisdiction of this state, any seine, gill, pound, trammel, dip or fyke net, shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment in the county jail not less than thirty days nor more than three months.

Powers of commissioners of fisheries. SECTION 19. The commissioners of fisheries may take fish at all seasons of the year and from the outlying waters during the open season and after the commencement of the closed season up to and including the fifteenth day of November in each year for stocking other waters or for the purpose of securing eggs for artificial propagation; provided, that no such fish shall be taken, except in the presence and under the direction of the superintendent of hatcheries or his agent authorized in writing by the superintendent. The fish necessarily killed in such taking shall be disposed of for the best interests of the state.

What packages of fish or game may be transported; penalty. SECTION 20. Section 22, chapter 358, laws of 1901, is hereby amended so as to read as follows: Section 22. It shall be unlawful for any person, company, or corporation to offer for transportation or to transport to any point within or without this state any fish taken from the inland waters of this state, except as hereinafter provided.

a. If marked as provided by law, one package and no more, containing not more than twenty pounds of fish, except trout of any variety, or in lieu thereof not more than two fish of any weight, may be transported to any point within or without this state, by any person, provided that not more than one such

shipment shall be made during any one week by the same person.

b. Any package or shipment containing more than twenty pounds of fish, except trout of any variety, taken from the inland waters of this state may be transported to any point within this state; provided that shipments be marked as provided by law and that the shipments be accompanied by the shipper from point of shipment to place of destination. Shipments to points without the state are hereby made unlawful. And provided further that pike taken from the outlying waters in this state may be transported in any quantity from any outlying water point within the jurisdiction of this state, to points within this state without being accompanied by the shipper, at any time, except during the closed season for taking such fish from inland waters; such shipments to points without the state are hereby prohibited, except as provided in paragraph "a" of this section.

c. The provisions of this section shall not apply to shipments of chubs, dace, suckers, carp, redhorse, sheepshead, dogfish, gar-fish, sturgeon, pickerel, cat-fish, buffalo and bull-heads, provided that shipments of such fish must be marked according to law.

d. Shipments of trout of any variety not to exceed twenty pounds in weight, taken from the inland waters of this state, may be made to points within or without this state, when accompanied by the shipper; provided that not more than one such shipment shall be made during any one week by the same person.

Any person, company, or corporation that shall violate any of the provisions of this section shall forfeit to the state of Wisconsin, a sum not less than twenty-five dollars nor more than one hundred dollars, in the discretion of the court. Any shipments made in violation of the provisions of this section may be seized, confiscated and sold by any game warden of this state in a manner provided by law.

Minimum weight of muskellunge and sturgeon. SECTION 21. The taking, catching or killing of any muskellunge of less weight than four pounds round weight, or two pounds dressed weight, or of any sturgeon of less than eight pounds round weight, or four pounds dressed weight, is hereby prohibited. Any person violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding five dollars.

Distribution of confiscated game. SECTION 22. All game confiscated by any warden, the sale of which is prohibited, shall be shipped to the charitable institutions of this state for their use; such game to be as equally divided among such institutions as possible; all such shipments to be under the direction of the state game warden who is hereby required to keep a complete record of the distribution of such confiscated game.

Resident hunting licenses, how issued. SECTION 23. Resident hunting licenses may be issued in the discretion of the state game warden, upon proper showing, to actual settlers in this state who may not have resided in this state for a year immediately preceding the making of the application for the same. Such licenses to be issued by the state fish and game warden who shall keep in his office a complete record of all licenses issued by him under this section. No hunting license shall be issued to any person under twelve years of age.

Hunting with dogs prohibited, when; excepted localities; penalty. SECTION 24. Section 15, chapter 358, laws of 1901, is hereby amended so as to read as follows: Section 15. It shall be unlawful and is hereby prohibited for any person to hunt any game, of any kind with a dog or dogs in this state, during the open season for hunting deer, provided that the counties of Crawford, Columbia, Dodge, Washington, Ozaukee, Milwaukee, Waukesha, Jefferson, Dane, Iowa, Grant, Richland, La Fayette, Green, Rock, Walworth, Racine, Vernon, La Crosse, Monroe, Trempealeau, Sheboygan, Manitowoc, Calumet, Fond du Lac, Winnebago, Outagamie and Kenosha are excepted. Any person violating the provisions of this act shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars or by imprisonment until such fine is paid not exceeding ninety days. Any dog found running deer in this state is hereby declared a public nuisance.

Selling, etc., of deer hides, carcass; shipment of hides from other states. SECTION 25. Section 14, chapter 311, laws of 1899, as amended by section 14, chapter 358, laws of 1901, is hereby amended so as to read as follows: Section 14. It shall be unlawful and it is prohibited to buy, sell or transport any green hide, green head, carcass or part of carcass of any buck, deer, doe, or fawn, between the third day of December and the succeeding twelfth day of November. Provided, that this section shall not prohibit the shipment into this state at any time

the dry hides or skins of deer from another state, if the same be for the purpose of manufacture within this state, provided, that manufacturers dealing in such hides shall keep a record of all such hides bought, that the same may at any time be opened to inspection by the warden. Any shipment made and had in possession in violation of this section may be seized, confiscated and sold by any warden as provided by law. Any person or corporation who shall violate any of the provisions of this act shall be punished by a fine of not less than twenty-five dollars nor more than fifty dollars and by imprisonment until such fine is paid, not exceeding sixty days.

Conflicting laws repealed. SECTION 26. All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

SECTION 27. This act shall take effect and be in force from and after its passage and publication.

Approved May 22, 1903.

No. 372, S.]

[Published June 1, 1903.

CHAPTER 438.

AN ACT amendatory of chapter 268 of the laws of 1901, being an act requiring promissory notes and other evidences of indebtedness, to express upon their face the consideration for which given in certain cases.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Words to be printed on face of note. SECTION 1. Section 1 of chapter 268 of the laws of 1901 is hereby amended so as to read as follows: Section 1. All promissory notes and other evidences of indebtedness, taken or given for any lightning rod, patent, patent right, stallion, or interest therein as the case may be, shall have written or printed thereon in red ink the words: "The consideration for this note is the sale of a lightning rod, patent, patent right, stallion, or interest therein, as the case may be."

Penalty for taking note without statement required. SECTION 2. Section 2 of chapter 268 of the laws of 1901 is hereby amended so as to read as follows: Section 2. Any person who shall sell a lightning rod, patent, patent right or stallion, or any interest in a lightning rod, patent, patent right, or stallion, who shall take a promissory note or other evidence of indebtedness for the whole or any part of the consideration thereof, and who shall fail to state the consideration for said note as provided by section 1 of this act, or in words of similar import, shall be liable to a penalty equal to the face of the note so taken.

Notes taken for patent, etc., non-negotiable; innocent holder of. SECTION 3. Section 3 of chapter 268 of the laws of 1901 is hereby amended so as to read as follows: Section 3. All notes or other evidences of indebtedness taken as the whole or a part of the consideration for any lightning rod, patent, patent right, stallion, or interest therein, which shall express upon their face the consideration for which they are taken, as required by section 1 of this act, shall be non-negotiable, and be subject to all the defenses in the hands of an innocent holder that the same would have if not transferred.

Conflicting laws repealed. SECTION 4. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved May 22, 1903.

No. 333, S.]

[Published June 1, 1903.]

CHAPTER 439.

AN ACT to amend section 1074, subdivision 1 of section 776 and section 430a of the statutes of 1898, relating to the limit of the rate of taxation in counties, towns and school districts.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

County levy; limitation. SECTION 1. Section 1074. of the statutes of 1898 is hereby amended so as to read as follows: County levy; limitation. Section 1074. The county board shall also, at said meeting, determine by resolution the amount of taxes to be levied in their county for county purposes for the year, and also the amount to be raised by tax in each town for the support of common schools therein for the ensuing year, which shall not in any town be less than the amount apportioned to such town in the last apportionment of the income of the school fund; and by separate resolution, adopted by majority of the members of the board not prohibited from voting thereon by section 703, determine the amount of tax to be levied to pay the compensation and allowances of the county superintendents of schools and designate therein the cities exempt from taxation therefor; provided, however, that the total amount of county taxes assessed, levied and carried out against the taxable property of any county in any one year shall not exceed in the whole one half of one per centum of the total assessed valuation of said county for the preceding year as fixed by the state board of equalization, excepting in so far as a larger percentage may be necessary in order to meet indebtedness incurred prior to the passage and publication of this act.

Roads and bridges. SECTION 2. Subdivision 1 of section 776 of the statutes of 1898, relating to the powers of town meetings, is hereby amended so as to read as follows: Roads and bridges. 1. To vote to raise money for the repair and building of roads or bridges, or either; for the support of the poor and defraying all other charges and expenses of the town; provided, however, that the total taxes levied in any town for any one year for all town purposes, exclusive of school taxes

and liabilities heretofore lawfully incurred, shall not exceed in the whole, one and one half per centum of the total assessed valuation of such town for the preceding year, as equalized by the town board of equalization, unless a larger sum is needed for the building or repairing of highways or bridges, in which case the electors may vote and the proper authorities may levy, not to exceed one-half of one per centum in addition to the aforesaid one and one-half per centum; provided, further, that not exceeding one per centum additional may be levied for school purposes when under the township system of school government.

Limitation of taxes. SECTION 3. Section 430a of the statutes of 1898 is hereby amended so as to read as follows: Limitation of taxes. Section 430a. The total amount of school district tax hereafter levied in any school district in this state in any one year for building, hiring or purchasing any school building, and for the maintenance of schools, including teachers' wages and incidental expenses, shall not exceed two per cent. of the total assessed valuation of taxable property in such school district for the preceding year.

Conflicting laws repealed. SECTION 4. All acts and parts of acts conflicting with the provisions of this act are hereby repealed.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved May 22, 1903.

No. 61, S.]

[Published June 1, 1903.]

CHAPTER 440.

AN ACT to amend section 1551 of the statutes of 1898, as amended by chapter 194 of the laws of 1899, as amended by chapter 113 of the laws of 1901, relating to the examination of witnesses and the practice and procedure in intoxicating liquor cases before justices of the peace.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Complaint; warrant; duty of justice. SECTION 1. Section 1551, statutes of 1898, as amended by chapter 194 of the laws of 1899, as amended by chapter 113 of the laws of 1901, is hereby amended by adding the words "and the witnesses produced by him" after the word "oath" in the fifth line thereof, and by inserting after the word "oath" in the twenty-seventh line the words, "and the witnesses produced by him;" so that said section 1551 will read, when so amended, as follows:

Section 1551. Upon complaint made to any justice of the peace by any person that he knows or has good reason to believe that an offense against any law of this state relating to excise or the sale of intoxicating liquors or any violation thereof has been committed, he shall examine the complainant on oath, and the witnesses produced by him, and he shall reduce such complaint to writing and cause the same to be subscribed by the person complaining. If it shall appear to such justice that there is reasonable cause to believe that such offense has been committed he shall immediately issue his warrant, reciting therein the substance of such complaint, and requiring the officer to whom such warrant shall be directed forthwith to arrest the accused and bring him before such justice to be dealt with according to law; and in the same warrant may require the officer to summon such persons as shall be named therein to appear at the trial to give evidence. Or upon complaint made to any justice of the peace by any person that he knows or has good reason to believe that an offense under section 1550 or 1565c, statutes of 1898, has been committed by any person on any particular premises or place, he shall examine such complainant on oath, reduce his complaint to writing, describing therein as par-

ticularly as may be, the premises on which the offense complained of was committed, and cause the same to be subscribed by the person complaining. If it appear to such justice that there is probable cause to believe that there has been such offense committed on said premises, he shall immediately issue his warrant, reciting therein the substance of the complaint, and containing a description of the premises described therein, and requiring the officer to whom it shall be directed forthwith to search such premises and seize any liquors on said premises which he believes are intoxicating, and to arrest the accused and bring him before such justice, to be dealt with according to law, and to produce, to be used in evidence on the examination and trial of the accused, the liquors so seized, or such portion thereof as the court or district attorney may direct. The officer executing such warrant shall state in his return, as particularly as may be, the kinds and quantities of liquor seized and keep the same in his custody, until said action is finally determined.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 22, 1903.

No. 704, A.]

[Published June 1, 1903.]

CHAPTER 441.

AN ACT to relieve L. J. Mueller and P. E. Mueller co-partners under the firm name and style of "the Mueller Company" of the forfeiture of the penalty provided in a certain contract with the state for lighting and ventilating the Capitol.

Preamble. Whereas, the state of Wisconsin entered into a contract with the Mueller Company, a co-partnership consisting of L. J. Mueller and P. E. Mueller, of Milwaukee, Wisconsin, for the placing of a lighting and ventilating plant in the Capitol, wherein it was provided that said contracting company should forfeit the sum of twenty-five dollars for each and every

day after the expiration of the time when it was contracted that the work should be completed, and,

Preamble. Whereas, the delay in completing the work under said contract was not due to any fault or negligence on the part of said general contractor, the Mueller Company, but was due to causes entirely beyond its control, now therefore,

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Penalty clause may be waived. SECTION 1. The governor is hereby authorized and empowered to waive the provisions of the penalty clause of the contract of the state with L. J. Mueller and P. E. Mueller, co-partners under the firm name and style of "the Mueller Company" relating to the placing of a lighting and heating plant in the Capitol, in the settlement with said company and to relieve said company from the payment of any forfeiture to the state on account of delay in completing said contract.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 22, 1903.

No. 698, A.]

[Published June 1, 1903.]

CHAPTER 442.

AN ACT amendatory of section 3913 of the statutes of 1898, as amended by chapter 46 of the laws of 1901, and by chapter 146 of the laws of 1903, relating to the appraisal of real estate for sale in county courts.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 3913 of the statutes of 1898, as amended by chapter 46 of the laws of 1901 and by chapter 146 of the laws of 1903, is hereby amended, so that said section when so amended, shall read as follows:

Appraisal and sale; how made. SECTION 3913. The county court may, in its discretion, authorize an executor, administrator, or guardian to have the lands which he may be licensed by said court to sell, appraised by three disinterested free holders of the county in which the lands or some part thereof lie. The appraisal shall specify the whole value of such lands, and separately the value of each lien and incumbrance thereon, and the net value of such lands after deducting all liens and incumbrances, as appraised by them, and such net value so fixed shall be the appraised value. Such appraisal shall be under oath, which oath and appraisal shall be certified in the usual form and filed in the court from which said license was issued. The executor, administrator or guardian so licensed shall offer the lands at public auction in the manner provided by law; and if at public auction no bid shall be made of a greater sum than the appraised value, such executor, administrator, or guardian may sell such lands at private sale at a price to be approved by the court licensing said sale, and if not sold within one year may be sold at public auction.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 22, 1903.

No. 89, A.]

[Published June 1, 1903.]

CHAPTER 443.

AN ACT to authorize the county of Wood to purchase a site for a county poor house and such other county building or buildings as may lawfully be designated and erected by the board of supervisors of said county; to make an appropriation therefor or to issue the bonds of said county and to provide for the payment thereof by the levy of taxes therefor.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

County poor house site. SECTION 1. The county of Wood, in the state of Wisconsin, is hereby authorized and fully empowered to purchase a site for a county poor house and such

other county building or buildings as may lawfully be designated and erected by or under the supervision of the board of supervisors of said county; said site to be located at such place as may be designated by the board of supervisors of said county and to consist of not less than one hundred and sixty acres nor more than three hundred and twenty acres of land.

Powers. SECTION 2. In order to carry out the provisions of section 1 of this act, said county of Wood is hereby authorized and fully empowered to make an appropriation and a levy of taxes therefor, or to issue and sell to the best bidder therefor the bonds of said county to an amount not exceeding ten thousand dollars (\$10,000.00) and to provide for the payment thereof by the levy of taxes therefor.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved May 22, 1903.

No. 287, S.]

[Published June 1, 1903.

CHAPTER 444.

AN ACT to authorize the building and construction of viaducts across valleys, gullies, running streams or railroad tracks by counties in this state of a population of 150,000 or more and for the issuing of county bonds therefor.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Viaduct or bridge, when authorized. SECTION 1. The county board of supervisors of any county within this state which now has or may hereafter have according to any state or national census taken a population of 150,000 or more, is hereby authorized and empowered to erect, construct and maintain any viaduct or bridge over and across any gully, river or valley, or railroad track or tracks agreeable to the conditions and provisions of this act and subsisting laws applicable thereto, when in the opinion of such county board the erection of such viaduct

or bridge shall be for the best interests of the county and inhabitants thereof, which opinion shall be rendered by resolution duly adopted by the county board of supervisors of such county, at any legal meeting thereof. Such viaduct or bridge shall be constructed of such length, width and height as the said county board of supervisors may by resolution determine.

How determined upon; bonds, when issued. SECTION 2. Whenever any such county board shall have determined upon the erection of any viaduct or bridge as herein provided for, it may at any regular meeting of said board, determine by resolution in the manner provided by law, and the rules and regulations of such county board, the tract or tracts of land over and upon which such viaduct shall be placed or constructed, and the determination of such county board and the selection by it of the tract over and upon which such viaduct shall be so placed, shall be final; but no bonds shall be issued under the provisions of this act until said determination has been made and had by such county board of supervisors.

Duty of surveyor; negotiations by county board; damages. SECTION 3. Whenever the county board of supervisors of any such county shall determine to erect and construct a viaduct or bridge under and according to the provisions of this act, it is hereby made the duty of the county surveyor of such county immediately upon such determination and the selection of such county board, of the location of such viaduct, or as soon thereafter as practicable, to cause a survey of the property so selected to be made, and to file said survey in the office of the county clerk of such county; and he shall also file therewith a description of the several parcels of land contained therein; and also a map or plat thereof, showing the location of the same, unless such survey, description, and plat has already been prepared, and such county board of supervisors or such committee as such board may appoint, shall upon the filing of such plat and description of such land and the survey thereof, ascertain if the same or any part thereof can be acquired from the owners thereof, by dedication without compensation, and also enter into negotiations with the several owners of the land necessary to be acquired, for the purpose of the fee simple of, or right of way over, all the lands described in said survey, which cannot be acquired by gift for the purpose of constructing a viaduct thereon, and such lands as shall be included in said survey, which cannot be acquired by gift or purchase at an agreed price.

or the right of way over such lands, shall thereupon be condemned by the said county board of supervisors, in the manner provided by law for laying out a county road for the purpose of constructing such viaduct thereon, provided, that the damages assessed therein shall be paid by said county. If by constructing said viaduct in the manner aforesaid, any damages be sustained by any person or persons, to his or their property, then and in such cases the damages so sustained shall be paid out of the treasury of the county.

Drawbridge; viaduct above railroad track. SECTION 4. When any such viaduct shall be built over a navigable river, a suitable drawbridge shall be provided therein, and whenever any such viaduct shall cross over and above any railroad track, the same shall have its lowest member not less than twenty-three feet above the rail of said railway.

Profile plan, specifications, contract. SECTION 5. Whenever the erection of a viaduct, under the provisions of this act, shall have been determined upon, the county board of supervisors of the county about to construct the same shall cause to be made a complete profile plan and detailed specifications for the work, and as soon thereafter as practicable, such county board of supervisors shall let the contract for the work according to law to the lowest bidder, and enter upon the construction of such viaduct, bridge and approaches in conformity thereto.

Franchises and rights not to be granted. SECTION 6. No franchises or rights shall ever be granted for purposes of horse, steam, electric or other railway communication, and no exclusive privileges or immunities shall ever be granted for the lighting of streets, highways and the like over any viaduct constructed under the provisions of this act, by the county constructing the same, to any person, persons or corporation.

Bonds, when issued; submission of, to vote of the people, when. SECTION 7. Whenever the construction of a viaduct shall have been determined upon, agreeably to the conditions of this act, the county board of supervisors of the county about to construct such viaduct, is hereby authorized and empowered to issue bonds of such county for the purpose of raising money for the building of such viaducts, and for the procurement of title thereto, or a right of way over any and all lands necessary to or convenient for the construction and maintenance of such

viaduct, and necessary or convenient approaches thereto, and the payment of all damages which may be assessed or allowed to the owners of property that shall be purchased or condemned for the uses and purposes in this act provided, such bonds to bear interest at a rate not exceeding five per cent. per annum, interest payable semi-annually, and the principal payable at such time or times, within twenty years from the date of such bonds, as the county board of supervisors of such county may determine. Provided, however, that no bonds authorized by this act shall be issued within sixty days after the vote of any county board authorizing such issue, and if, within such period of sixty days there shall be filed with the county clerk of such county a petition signed by not less than ten per cent. a number of the voters who voted in said county at the last preceding general election asking for a submission of the question of issuing such bonds to a vote of the people, such bonds shall not be issued until authorized by a majority of the voters voting upon such question, in which case the question of such issue shall be submitted to the people in the manner provided by chapter 312 of the laws of 1903, and all provisions of said chapter 312 relating to the method of submission of the question of issuing bonds to a vote of the people, shall apply to the issue of bonds under the provisions of this act.

Bonds, tenor and effect of. SECTION 8. All county bonds issued by any county under the provisions of this act, shall be signed by the chairman and countersigned by the clerk of the county board of supervisors of the county issuing the same, and shall be under the corporate seal of said county, and shall be in the sum of one thousand dollars, five hundred dollars and one hundred dollars each, the number of bonds of such denomination to be fixed by the county board of supervisors, with interest coupons thereunto attached, payable semi-annually; all of such bonds issued in any one year, to be payable with the same rate of interest, and the interest payable semi-annually at one time and place; such time and place to be determined by the county board of supervisors, and to appear upon the face of such bonds and coupons, and said bonds, when signed, countersigned, and sealed, as aforesaid, shall be in the hands of a bona fide holder of the same for value, full and complete evidence, both at law and in equity, to establish the indebtedness of the county issuing the same, according to the tenor and effect of said bond.

Duty of county board and treasurer; bond and sureties. SECTION 9. When the issue of any county bonds, under the provisions of this act, shall have been determined upon, the county board of supervisors of the county about to issue the same, may at any legal meeting, direct by resolution, their chairman to sign, and the clerk of said board to countersign, all the bonds authorized to be issued under this act, or such part thereof as the said board may from time to time determine shall be issued; and it shall be the duty of the treasurer of any such county, under the supervision of the county board of supervisors of such county, to negotiate the bonds so issued, provided that none of said bonds shall be sold at a rate less than par; and the said county treasurer of such county, shall keep and maintain all moneys received from the sale of the bonds issued, in a fund separate from all other moneys belonging to said county, and no part of said bond or of the moneys arising from the sale thereof, shall be expended for or applied to any purposes whatever, except to defray the expenses of obtaining the right of way and for the building of any viaduct, constructed under and according to the provisions of this act and for materials to be used therein and labor furnished thereon; and the said treasurer and his sureties shall be liable to such county for any misapplication of the same or any part thereof; and the said treasurer, before he shall receive such bonds or any money received from the sale thereof for any purpose whatever, shall within thirty days after it has been determined to issue such bonds, execute to the county board of supervisors of such county, a bond with three or more sufficient sureties or a surety company in the penal sum of double the amount of bonds or moneys so to be received by him, conditioned that he will faithfully perform all orders and resolutions of said county board of supervisors which may be passed by virtue of the powers conferred upon such board by this act; that he will keep the bonds received by him safely, that he will keep the moneys received by him and arising from the sale of said bonds safely and separately from other moneys belonging to such county, that he will not pay out the same or any part thereof, except in the manner herein provided, which said bonds shall be approved by the county board of supervisors of said county, and filed in the office of the clerk of said county board of supervisors, and the treasurer of said county shall in a book in a form convenient for that purpose, keep all the coupons belonging to such bonds when the same shall be returned, paid and canceled; such book at all times to be subject to the inspection of any member of said board, citizen or citizens of such county.

Interest and principal, how paid. SECTION 10. It shall be the duty of any county board of supervisors which shall have determined upon the building of any viaduct under the provisions of this act, at or before issuing any bonds in pursuance hereof, to provide for the payment of the interest and the ultimate payment of the principal, of any and all bonds which shall be issued under and by virtue of this act; and for that purpose such county board of supervisors is hereby authorized and required at or before the issue of any such bonds shall have been determined upon, to provide for the assessment, levy and collection of a direct annual tax upon all the taxable property of such county in which such viaduct shall be located, sufficient to pay the interest on such bonds so issued, and also to provide for the levy and assessment of a direct tax, sufficient to pay and discharge the principal of said bonds, as the same shall mature and to collect the same in the manner as other taxes are levied and collected by law.

Orders to contain the words "on viaduct contract." SECTION 11. All county orders drawn on the treasurer of any such county, which shall have undertaken the erection of any such viaduct as herein provided, which are to be paid out of the moneys received on the sale of such bonds, or any part thereof, shall contain the words following, to-wit: "on viaduct contract;" and the treasurer shall pay no county order or orders drawn on him against such county, out of the money received by him on the sale of such bonds or any part thereof, unless such order shall contain the words "on viaduct contract," and the chairman of such county board of supervisors is hereby prohibited from signing and the clerk of said board from countersigning, any county order or orders of such county which shall contain the words "on viaduct contract," unless the consideration for such order be for work done or for material furnished, or both, in the erection of such viaduct, or in payment for lands purchased or damages lawfully assessed to owner or owners of land which shall have been duly condemned for use for, or in the construction, maintenance or use of any such viaduct.

Bonds to be numbered and registered. SECTION 12. The clerk of said county board of supervisors shall number such bonds and cause the same to be registered in the office of the treasurer of such county wherein such viaduct shall be located, in a book to be provided for that purpose.

Powers. SECTION 13. All legislative and administrative powers necessary to carry the powers conferred by this act into full force and effect, are hereby conferred upon the county board of supervisors of any county within this state, which shall avail itself of the provisions of this act, agreeably to the conditions thereof.

Conflicting laws repealed. SECTION 14. Chapter 334 of the laws of Wisconsin of 1895, and any and all acts or parts of acts, inconsistent or conflicting with this act, are hereby repealed.

SECTION 15. This act shall take effect and be in force from and after its passage and publication.

Approved May 23, 1903.

No. 392, A.]

[Published June 1, 1903.

CHAPTER 445.

AN ACT to amend chapter 339 of the laws of 1899 requiring the Australian ballot system of elections in towns having an incorporated city or village, which operates jointly with the towns in town elections.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Repeal. SECTION 1. Chapter 339 of the laws of 1899 is hereby repealed.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 23, 1903.

No. 703, A.]

[Published June 1, 1903.]

CHAPTER 446.

AN ACT relating to certain actions or proceedings in the superior court for Milwaukee county and amendatory of chapter 1, laws of 1903.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Actions, proceedings, etc., in superior court of Milwaukee county. SECTION 1. Any action, cause or proceeding heretofore pending in the superior court for Milwaukee county which by the terms of chapter 1, laws of 1903, would be or were transferred to the circuit court for Milwaukee county on the first Monday in May, 1903, the trial or hearing of which had been actually begun but not concluded, or the trial or hearing of which had been concluded but in which on said first Monday in May, 1903, motions or other proceedings subsequent to trial or hearing were pending and unfinished or undetermined, or the entry of final orders or judgments in which had not been made, are hereby transferred to and continued as actions and proceedings in said superior court, and the judge thereof shall have full authority and jurisdiction to conclude such trial or proceeding or make such order or render such judgment as may be necessary or proper, and the same shall be entered and docketed as an order, decree or judgment of the said superior court in any such action or proceeding. And all motions, orders, writs and proceedings necessary or made in any such action or proceeding, the trial or hearing in which was had before the present presiding judge of said court, may be made, heard and determined by the said superior court and said superior court has authority to issue writs of execution or other final process and make such orders and use and exercise such other powers and proceedings as may be in accordance with law to enforce any order, judgment or decree made or entered in any such action or proceeding, and any trial or hearing had or order made or decree or judgment rendered by said superior court in any action or proceeding which, by the terms of said chapter 1, laws of 1903, was or should have been transferred to the circuit court for Milwaukee county is hereby legalized as the act of said superior

court with the same force and effect as if said chapter 1, laws of 1903, had not been enacted, and appeals therefrom may be had and taken from said superior court the same as from other orders, decrees or judgments of said court. For the purpose herein mentioned, this act shall be amendatory of said chapter 1, laws of 1903.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 25, 1903.

No. 185, A.]

[Published June 1, 1903.]

CHAPTER 447.

AN ACT to authorize the establishment of truant ungraded day schools and parental boarding schools, and commitments to such schools in cities of the first class.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Truant ungraded day schools; parental boarding schools. SECTION 1. In any city of the first class, the board of education or any board with similar powers, may establish and maintain truant ungraded day schools for the purpose of providing for the proper training of children between the ages of seven and sixteen years, who are habitually truant, or insubordinate or disorderly at any school, or who habitually frequent the streets or other public places, having no lawful occupation or employment, and may through their truant officers and superintendent of schools require such children to attend such schools. Or for the care and instruction of the same classes of children as aforesaid, such board may establish and maintain a parental boarding school within the corporate limits of such city, and may, when such school is maintained or is available as hereinafter provided, after a notice of seven days to such child and to its parent, guardian or custodian, order such child to be restrained and cared for in such school, with the written consent of such parent, guardian or custodian. Or if such parent, guardian or

custodian shall not consent, for the purposes of this act, the child may be proceeded against in any juvenile court, or where no such court exists, in a county court, as a juvenile disorderly person, and upon the court so finding may be so committed to such parental school until sixteen years of age, unless sooner discharged, as hereinafter provided; provided, however, that no such commitment shall be for a longer period than two years at any one time. Such parental school shall not be considered a suitable place for grossly neglected children whose home conditions are such that their best interests manifestly require them to be kept from their home for more than one year.

Board of education to establish rules; commitment and discharge of child. SECTION 2. The board of education or any board which shall establish a parental school as provided in section 1 of this act, shall make rules and regulations for the government of said school, and the children attending the same, and also rules under which said children may be allowed to return to their homes on parole, but to remain in the legal custody and under the control of the officers of the school, subject to be returned by order of the superintendent of such school upon failure to comply fully with the terms of the parole, except as hereinafter provided. No such child shall be released upon parole in less than three months from the time of his commitment, nor thereafter until the superintendent of such parental school is satisfied from the conduct of such child that he will attend school or work regularly. If such child so released on parole, continues in regular, orderly attendance on school or work for a period of one year from the date on which he was released on parole, he shall then be finally discharged. Said board shall make suitable provision, so that children confined in a parental school shall be allowed, at least once in each week, to freely receive within the institution, spiritual advice and ministraton from any clergyman of good standing in the church or denomination to which such children respectively belong.

Duty of parent, guardian, etc. SECTION 3. It shall be the duty of the parent, guardian, or custodian of any child committed to a parental school, to furnish suitable clothing for such child as may be needed, and if able to do so, pay all or a reasonable part of the maintenance of such child.

Course of study in schools. SECTION 4. Every truant and parental school shall embrace in its course of study, manual

training and domestic science, and in its general conduct shall endeavor to improve the child, and develop habits of industry and study, with a view to returning it to its regular school, as soon as practicable in the judgment of the superintendent of such truant or parental school.

Conflicting laws repealed. SECTION 5. All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved May 25, 1903.

No. 238, A.]

[Published June 1, 1903.

CHAPTER 448.

AN ACT to define the liabilities of any railroad company in relation to damages sustained by its employees and amendatory of subdivision 2 of section 1816 of the statutes of 1898.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Liability for injuries to employees. SECTION 1. Subdivision 2 of section 1816 of the statutes of 1898 is hereby amended by striking out all of said subdivision 2 and inserting in lieu thereof the following as said subdivision 2. "2. When such injury is sustained by any officer, agent, servant or employee of such company, while engaged in the line of his duty as such and which shall have been caused by the carelessness or negligence of any other officer, agent, servant or employee while in the discharge of, or for failure to discharge his duty as such, provided, that such injury shall arise from a risk or hazard peculiar in the operation of railroads. No contract, receipt, rule or regulation between any employee and a railroad corporation shall exempt such corporation from the full liability imposed by this section." So that said section and subdivision when so amended shall be and read as follows: Section 1816.

Every railroad company operating any railroad which is in whole or in part within this state shall be liable for all damages sustained within the same by any of its employees without contributory negligence on his part:

1. When any such injury is caused by a defect in any locomotive, engine, car, rail, track, machinery or appliance required by said company to be used by its employees in and about the business of their employment, if such defect could have been discovered by such company by reasonable and proper care, tests or inspection; and proof of such defect shall be presumptive evidence of knowledge thereof on the part of such company.

2. When such injury is sustained by any officer, agent, servant or employee of such company, while engaged in the line of his duty as such and which shall have been caused by the carelessness or negligence of any other officer, agent, servant or employee while in the discharge of, or for failure to discharge his duty as such, provided, that such injury shall arise from a risk or hazard peculiar to the operation of railroads. No contract, receipt, rule or regulation between any employee and a railroad corporation shall exempt such corporation from the full liability imposed by this section.

Conflicting laws repealed. SECTION 2. Any act or part of act conflicting or in any manner inconsistent with the provisions of this act is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved May 22, 1903.

No. 686, A.]

[Published June 3, 1903.]

CHAPTER 449.

AN ACT prohibiting the sale of game and amending section 4563 of the statutes of 1898, as amended by section 1, chapter 267, laws of 1899.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Sale of game prohibited. SECTION 1. Whoever shall sell, or offer for sale, have in his possession for the purpose of sale, or shall barter, trade or exchange for other property, or shall have in his possession for the purpose of barter, trade or exchange for other property, or whoever shall purchase, or receive in exchange for other property, or having in his possession after purchase, or receiving in exchange for other property, within the limits of this state the meat or flesh of any doe, buck or fawn (commonly known as venison), or any wild duck of any variety, wild goose, brant or any other aquatic bird, or any woodcock, partridge, pheasant, prairie chicken or prairie hen, grouse of any variety, plover, snipe, Mongolian, Chinese or English pheasant, or quail of any variety, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars, and not more than one hundred dollars, or by imprisonment in the county jail not less than thirty days nor more than ninety days, or by both such fine and imprisonment.

Spring shooting. SECTION 2. Section 4563 of the statutes of 1898, as amended by section 1, chapter 267, laws of 1899, is hereby amended to read as follows: Section 4563. It shall be unlawful for any person to take, catch, kill, hunt or pursue any wild duck, brant or other aquatic fowl, including wild geese and snipe, between the first day of January and the succeeding tenth day of April, and between the twenty-fifth day of April and the succeeding first day of September. Provided, that it shall be unlawful to take or kill swan at any time, and provided further, that it shall be unlawful to take, catch, kill, hunt or pursue any teal, mallard or wood duck during the open season between April tenth and April twenty-fifth. No person

shall during the open season in April kill more than fifteen ducks in any one day. Any person who shall violate any of the provisions of this section shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than twenty dollars nor more than fifty dollars, or by imprisonment in the county jail not less than twenty days nor more than sixty days, or both such fine and imprisonment.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved May 22, 1903.

No. 1, S.]

[Published June 2, 1903.

CHAPTER 450.

AN ACT to establish a system of state forests and promote improved methods of forestry; making an appropriation therefor; providing for the disposition of the public lands; and amendatory of chapter 15 and 73a of the statutes of 1898.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

State forest commission; compensation; quorum. SECTION 1. There is hereby established a department of state forestry to be organized and to perform such duties as herein provided. The governor shall appoint two persons, who with the attorney general, secretary of state and state treasurer acting ex-officio, shall constitute the board of state forest commissioners, and as such shall perform such duties and exercise such authority as may be conferred upon them by law. They shall receive no compensation except their actual disbursements to be audited by the secretary of state, and paid out of the state treasury. Any three members of said board shall constitute a quorum for the transaction of any business.

Superintendent; salary; duties of. SECTION 2. The board shall appoint a superintendent of state forests who shall receive a salary of two thousand five hundred dollars annually and his

actual expenses to be audited by the secretary of state, to be paid from the state treasury. It shall be the duty of the superintendent of state forests to act as secretary of said board of forest commissioners, to keep in his office all necessary records, books, maps, papers and documents of the board, and he shall keep the minutes of all meetings of the board, and shall prepare for the printing and publication of bulletins, reports, circulars, rules, regulations, by-laws and other documents ordered printed and published by the board. He shall procure or cause to be made accurate maps of the forest reserve, and of any and all lands belonging to the state, or which may hereafter be acquired, which maps shall be open to the inspection of any person desiring to inspect the same, but under such rules as the board may prescribe.

Superintendent to be forest warden; duties of; prosecution.

SECTION 3. Section 1636b of the statutes of 1898, as amended by section 6 of chapter 258 of the laws of 1899, as amended by section 8 of chapter 432 of the laws of 1901, is hereby amended so as to read as follows: "Section 1636b. The superintendent of state forests shall be ex-officio forest warden of the state. It shall be the duty of said superintendent to see that the provisions of law for the prevention or extinguishment of forest or marsh fires, and for the protection of public lands from trespass thereon are faithfully executed, and for that purpose to formulate all necessary and proper regulations for the government of the several fire wardens and trespass agents, and to supervise them in the performance of their duties. Whenever the superintendent of state forests, or any officer of the department of state forests, or any fire warden, or any trespass agent shall have good reason to believe that an offense has been committed by any person or persons against any of such provisions, it shall be his duty to cause the arrest of the party suspected of such offense, and he shall immediately notify the attorney general or district attorney of the proper county thereof, and it shall be the duty of the attorney general or such district attorney to prosecute such person or persons."

Where fire wardens are to be appointed; duties of; compensation; assistants; penalty. SECTION 4. Section 1636c of the statutes of 1898, as amended by chapter 353 of the laws of 1899, is hereby amended so as to read as follows: "Section 1636c. The superintendent of state forests shall appoint one or more fire wardens in each town of each of the following coun-

ties: Ashland, Barron, Burnett, Bayfield, Chippewa, Clark, Douglas, Dunn, Eau Claire, Florence, Forest, Iron, Jackson, Langlade, Lincoln, Marathon, Marinette, Oconto, Oneida, Polk, Portage, Price, Sawyer, Shawano, Taylor, Vilas, Waupaca, Washington and Wood; provided that he may appoint fire wardens in any other town in any county in the state upon being requested to do so by the town board of supervisors of such town. Every warden shall before entering upon the duties of his office take and subscribe an oath of office, and file the same with the forest warden. He shall take all necessary precautions to prevent the improper setting or progress of fires in his or adjoining towns within eighty rods of the line of his town when the fire warden of the adjoining town is unable or unwilling to do so, and shall, when credibly informed that a fire has been improperly set or allowed to burn in any territory within his jurisdiction, take such steps as shall be necessary to prevent the spread of, and in all proper cases to extinguish the fire. He may summon any resident of his town or the immediate vicinity of the fire to assist him in so doing, and when such summons is reasonable it shall be the duty of the person summoned to render such assistance. The fire warden and the person so summoned shall receive a reasonable compensation for their services in carrying out the provisions of this and succeeding sections, not to exceed twenty-five cents per hour for the time actually employed, to be paid out of the treasury of the town where such fire shall occur and in which such service shall be rendered, and which account shall be audited and paid as other accounts; but the total of such accounts shall not exceed one hundred dollars for each thirty-six sections, in any one year, in any one town. Any fire warden who shall refuse to carry out the provisions of this section, or any person who shall refuse, when called upon by the fire warden to render any reasonable assistance, shall be punished by a fine of not more than ten dollars and the costs of the prosecution, or by imprisonment in the county jail not more than ten days, or both fine and imprisonment.

Notices to be posted; report. SECTION 5. Section 1636d of the statutes of 1898 is hereby amended so as to read as follows: "Section 1636d. Every fire warden shall cause to be conspicuously posted in such parts of his town wherein fires are most likely to occur, any and all notices which shall be furnished to him by the superintendent of state forests, and shall receive

therefor from his town such reasonable compensation as the town board of supervisors shall allow him, not exceeding twenty-five cents per hour, and shall report to the said superintendent on or before the first day of each November, upon suitable blanks provided by the superintendent of state forests for that purpose, and also at such other times as the said superintendent may request all fires which have occurred, been extinguished or prevented from doing any damage in his town, and any and all violations of the provisions of law relating thereto, and all other facts required, and the said superintendent of state forests shall report a summary of such facts to the board of state forest commissioners on or before the first day of December of the year of each general election."

Sale of state lands to cease, when. SECTION 6. The sale of all lands belonging to the state, except lands that are in fact swamp lands and lands suitable for agriculture, wood lots convenient to farm homes, and isolated tracts not exceeding eighty acres each, shall cease after this act shall have gone into effect and no such lands shall thereafter be sold, excepting according to the provisions of this act, provided, however, that this act shall not be construed as to affect in any manner the rights and interests of any person or persons to or in any of the lands belonging to the state which such person may have acquired previous to the day on which this act shall go into effect.

State forest reserve, how constituted; duty of superintendent. SECTION 7. All public lands remaining unsold, and all lands so withdrawn from sale, and such other lands as the state may hereafter acquire for that purpose shall constitute the state forest reserve. As soon as practicable after this act shall go into effect, the superintendent of state forests shall make a detailed inquiry into the character and condition of each parcel of land contained in said forest reserve, and acquire all information concerning the same, which may in his judgment be necessary for the purpose of proper forestry management. For this purpose he may act as trespass agent of the state, may use the records, maps, plats and other documents of the land office. All information so obtained shall be properly recorded and preserved in the office of said superintendent. If in the course of such investigation the said superintendent shall come to the conclusion that it shall be for the best interests of the state that any particular parcel or parcels of the public lands be not re-

served as part of the state forest, he shall notify the board of public land commissioners, who may thereupon in their discretion proceed to sell such parcel or parcels of land, or any portion of the timber standing or being thereon in such manner as the state forest commissioners shall prescribe.

Trespass agent; duties; oath. SECTION 8. Every person appointed as trespass agent under authority of this act shall before entering upon the office take and subscribe the following oath of office: I do solemnly swear that I will support the constitution of the United States and the constitution of the state of Wisconsin; that I will not engage either directly or indirectly in the purchase for my own benefit or for the benefit of any other person of any public land or timber so long as I remain as agent of the board of forest commissioners; and that I will faithfully and to the best of my ability discharge the duties of such agent, so help me God. Such oath of office shall be filed in the office of the superintendent of forests, and every such agent is prohibited from purchasing any of the public lands, directly or indirectly, either in his own name or in the name of any other person in trust for him, and for every subdivision of land purchased in violation thereof he shall forfeit two hundred and fifty dollars. It shall be the duty of every trespass agent appointed under the provisions of this act to immediately report to the superintendent of state forests, and to the commissioners of public lands, any person found trespassing on any lands belonging to the state, and to immediately communicate to the attorney general and to the district attorney in the county in which lands are located any and all information received by them respecting the commission of any trespass or waste upon said lands.

Land grants. SECTION 9. The said board of state forest commissioners are hereby authorized to accept on behalf of the state of Wisconsin any grant or grants of land within this state for forest purposes. No such grant shall be accepted unless the attorney general shall first certify that he has investigated the title to such lands, and that the proposed grantor has title to such lands free from incumbrance.

Timber; proceeds of sale, how applied. SECTION 10. The superintendent of state forests shall as soon as practicable, with a view to the best possible financial return to the state, remove

from the lands under his control all dead and down timber as he deem expedient and sell the same to the best advantage in such manner as the board of state forest commissioners may prescribe. All contracts for the cutting, logging, or sale of any timber in the state forest shall be signed, on behalf of the state, by the superintendent of forests, or in his absence by the assistant superintendent, provided, that no such contracts shall be of effect until it shall have been approved by the board of state forest commissioners. All funds received from the sale of any timber, wood or other products of the state forests which shall be derived from any land known as school, university, agricultural, normal school, drainage, or indemnity land shall be paid into the respective funds into which the proceeds of the sale of such lands may now be payable. The revenues from all other lands in the state forest reserve shall be paid into the general fund of the state.

Supplies, stationery and postage. SECTION 11. The superintendent of state forests may from time to time purchase, in such manner as shall be prescribed by the board of state forest commissioners, all supplies necessary for the proper conduct of the work in the state forests. He shall be entitled to such stationery, postage and other supplies as may be necessary to properly transact the business of his office, to be furnished to him by the superintendent of public property.

Forest experiment stations. SECTION 12. The superintendent of state forests shall as soon as practicable after this law shall have gone into effect with the approval of the state forest commissioners, establish one or more forest experiment stations, on lands belonging to the state forest reserve, for the purpose of conducting researches into the best methods of forest management under the conditions prevailing in the various portions of Wisconsin. For the purpose of making such researches the superintendent may co-operate, whenever expedient, with the state university, the state geological and natural history survey, the various scientific bureaus of the government of the United States, and other institutions of like character. The results of such investigations shall from time to time be printed and published in the same manner as other public documents are published, and distributed in such manner as the board of state forest commissioners shall determine. They shall as far as possible be written in non-technical language, so as to be easily understood by the public.

Sale of public lands, how made. SECTION 13. Section 207 of the statutes of 1898 is hereby amended so as to read as follows: "Section 207. The appraisal of the public lands, heretofore provided for by law shall be fully completed on or before the first day of August, A. D. 1903, and such appraisal is hereby fixed as the minimum price of said lands, provided, that the commissioners of public lands may, by order, in their discretion, whenever said lands or any part thereof shall have become enhanced in value or for other cause, fix an increased price upon such lands. No such change in price shall affect any bona fide application for the purchase of lands filed immediately prior to such change. Except as herein provided, all lands that are in fact swamp lands and all lands suitable for agriculture, wood lots convenient to farm homes, and isolated tracts not exceeding eighty acres each, shall be offered for sale on and between the fifteenth day of October and the fifteenth day of November, A. D. 1903, at public auction as hereinafter provided; and no such lands except mortgaged lands bid in by the state and preempted lands, shall be subject to private entry until they shall have first been offered for sale at public auction. All such sales shall be made at some public and convenient place at the county seat of the county where such lands lie; provided, that in the case of any county having less than one thousand acres to be sold such sale may, in the discretion of the commissioners, be made at the time and place of sale of the lands in the nearest and most accessible county having a greater number of acres to be sold. Such sales shall be made at such times, except as herein provided, as said commissioners shall designate; and they shall previously to any such sale, cause a notice thereof, specifying the time and place of such sale and the places where a list of said lands with an appraisal thereof is required by law to be filed, to be published once a week for four successive weeks in at least one newspaper printed in the county where such lands are situated. A list of all public lands to be sold in any county together with the appraisal thereof shall, at least forty days before the making of any such sale be forwarded to the county clerk and to each town, village and city clerk within such county and be by him immediately posted in a convenient place in his office, at all reasonable times open to the inspection of the public, and a copy of such list shall be furnished by said commissioners to any person applying therefor. Said commissioners may at any time when in their judgment the public interest can be best subserved thereby, withdraw any school and

university lands from sale and withhold from sale all or such portions thereof as in their opinion it may not be advantageous to sell, and for so long a time as in their opinion will be most beneficial to the funds derived from such sale. Provided, that when re-offered the lands so withdrawn shall first be offered at public sale in the manner prescribed by law.

Sale, how conducted. SECTION 14. Section 208 of the statutes of 1898 is hereby amended so as to read as follows: "Section 208. At the time and place specified in such notice said commissioners shall commence the sale of such lands as are then to be sold by them, and shall continue the sale from day to day (Sunday excepted) between nine o'clock in the forenoon and four o'clock in the afternoon, so long as shall be necessary. The order of sale at auction shall be to begin at the lowest number of the sections, townships and ranges in each county, and proceed as regularly as convenient to the highest until all then to be sold are offered for sale. Such contiguous tracts as the commissioners may select, not exceeding one hundred and sixty acres, may first be offered at the minimum price fixed by law, and shall be cried long enough to enable anyone to bid if he desires, and if the minimum price or more be bid the same shall be struck off to the highest bidder, and if the minimum price be not bid, such lots or tracts shall be offered separately in the same manner, but if such minimum price be not bid, the same shall be set down as unsold."

Terms of sale. SECTION 15. Section 209 of the statutes of 1898 is hereby amended so as to read as follows: "Section 209. In all cases of the sale of any public lands the purchaser shall upon complying with the provisions of law and the payment of twenty per centum of the purchase price be entitled to receive the certificate provided for in section 213 of the statutes of 1898. The balance of the purchase price with interest at seven per centum per annum shall be paid within sixty days from the date of the certificate, whereupon patent shall issue as provided by law, unless the same shall for any reason have been ordered withheld. Upon the failure of any person to make payment of the balance at the expiration of said sixty days the said commissioners may, in their discretion, forfeit said lands and cancel such certificate, or may extend such sixty days for a time not exceeding in all six months."

Affidavit of purchaser; certificate with endorsement. SECTION 16. Section 210 of the statutes of 1898 is hereby amended so as to read as follows: "Section 210. No more than one hundred and sixty acres shall be sold to any one person. Every person having bid in any such lands at a public sale or making application for the purchase thereof at private sale shall, before such sale is made, make and file with the commissioners of public lands, or their agent making such sale, the following affidavit:

State of Wisconsin, }
 ——— County, } ss. .
, being duly sworn, on oath says that he is a resident of the county of, and state of; that he is desirous of purchasing (description of lands) situated in the county of, and state of Wisconsin; that the public lands of this state, sold by it since the fifteenth day of October, A. D. 1903, now owned by the affiant, together with the lands hereinbefore described, do not exceed one hundred and sixty acres; that he has no agreement or understanding and is under no contract, express or implied, with any person, co-partnership or corporation, for any sale, transfer or conveyance of said lands, now, or at any future time, bona fide mortgages for raising some part of the purchase price excepted; and that he has not been engaged or instrumental, directly or indirectly, in inducing any person or persons to remain away from or to refrain from bidding at the last public sale at which said lands have been or are being offered.

Subscribed and sworn to before me this day of, A. D. 19

Forfeiture for failure to pay for bid or make affidavit. SECTION 17. Every successful bidder at any sale as aforesaid shall make this affidavit and pay the amount required by law to be paid at the time of the sale immediately after having bid off the same; and if he shall refuse to so pay or make such affidavit, the lot, tract or parcels so bid off by him shall again be offered for sale; and the purchaser shall, for each successful bid on which he shall so refuse or neglect to pay or make such affidavit, forfeit twenty-five dollars for each such bid, which the commissioners shall in the name of the state cause to be immediately sued for and collected, and when collected paid into the school fund.

Whenever the said commissioners or their agent at such sale shall believe that the affidavit so made is false, or that such purchase is made to enable any one person to secure a greater part of the public lands than herein provided, he or they may, in his or their discretion, withhold the patent to said lands, and the said commissioners may, if such shall be found to be the fact, after giving such purchaser an opportunity to be heard, vacate such sale at any time within six months, and thereupon any certificate outstanding shall be delivered up and canceled and all payments refunded to such purchaser after deducting a penalty of twenty-five dollars and ten per centum of the amounts paid, which amounts shall be paid into the school fund.

The indorsement upon the certificate issued to the purchaser of the words, "patent withheld," or the filing in the office of the register of deeds of the county where the lands lie of a certificate signed by one of the commissioners, or their agent making such sale, stating that the patent has been withheld upon certain lands, describing them, shall be sufficient notice to purchasers after such indorsement or filing that such certificate is liable to be forfeited as aforesaid.

Appropriation. SECTION 18. There is hereby appropriated out of any money not otherwise appropriated in addition to the salary herein provided a sum of money sufficient to carry out the provisions of this act, not exceeding three thousand dollars.

Conflicting laws repealed. SECTION 19. All acts or parts of acts inconsistent or in conflict with the provisions of this act are hereby repealed in so far as the same are inconsistent or in conflict with the provisions of this act.

SECTION 20. This act shall take effect and be in force from and after its passage and publication.

Approved May 22, 1903.

No. 97, A.]

[Published June 3, 1903.]

CHAPTER 451.

AN ACT to provide for party nominations by direct vote.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Definition and construction. SECTION 1. The words and phrases in this act shall, unless the same be inconsistent with the context, be construed as follows:

1. The word "primary," the primary election provided for by this act;

2. The words "September primary," the primary election held in September to nominate candidates to be voted for at the ensuing general election;

3. The word "election," a general or city election, as distinguished from a primary election;

4. The words "November election," the general election held in November;

5. The word "precinct," a district established by law within which all qualified electors vote at one polling place.

This statute shall be liberally construed, so that the real will of the electors may not be defeated by any informality or failure to comply with all provisions of law in respect to either the giving of any notice or the conducting of the primary or certifying the results thereof.

Candidates, how nominated. SECTION 2. Hereafter, all candidates for elective offices shall be nominated:

1. By a primary held in accordance with this act, or

2. By nomination papers, signed and filed as provided by existing statutes.

3. Party candidates for the office of United States senator shall be nominated in the manner provided herein for the nomination of candidates for state offices.

This act shall not apply to special elections to fill vacancies nor to the office of state superintendent, to town, village, and school district officers nor to judicial officers excepting police justices and justices of the peace in cities.

Primaries, when and where held. SECTION 3. 1. The September primary shall be held at the regular polling places in each precinct on the first Tuesday of September, 1906, and biennially thereafter for the nomination of all candidates to be voted for at the next November election.

2. Any primary other than the September primary shall be held two weeks before the election for which such primary is held.

Notice of primaries, how given. SECTION 4. 1. At least sixty days before the time of holding such September primary, the secretary of state shall prepare and transmit to each county, town, city and village clerk, a notice in writing designating the offices for which candidates are to be nominated, at such primary.

2. Upon receipt of such notice, such county clerk, shall, not less than ten days thereafter, publish so much thereof as may be applicable to his county, once in each week for six consecutive weeks in at least two, and not to exceed four, newspapers of general circulation published in said county.

3. Each town, village, and city clerk shall within ten days after the receipt of such notice cause notice of such primary to be posted in three public places in each precinct in his town, city, or village; such notice shall state the time when, and place where, the primary will be held in each precinct therein, together with the offices for which candidates are to be nominated.

4. In case of city elections, the city clerk shall cause one publication of such notice to be given, and shall also post such notice in three public places in each election precinct therein, such publication and posting to be not more than twenty and not less than ten days before such primary election.

5. Each county clerk shall, on the first Tuesday of June, 1906, and biennially thereafter, transmit to the secretary of state the name and postoffice address of each town, city, and village clerk in his county.

Nomination papers, how prepared and signed. SECTION 5. 1. The name of no candidate shall be printed upon an official ballot used at any primary unless at least thirty days prior to such primary a nomination paper shall have been filed in his behalf as provided in this act in substantially the following form;

I, the undersigned, a qualified elector of (the precinct of the town of) or (the pre-

precinct of the ward of the city of), county of and state of Wisconsin, and a member of the party, hereby nominate, who resides (at No. on street, city of) or (in the town of), in the county of as a candidate for the office of (here specify the office) to be voted for at the primary to be held on the first Tuesday of September, 19...., as representing the principles of said party, and I further declare that I intend to support the candidate named herein.

Name of Signer.	(In Cities.)		Date of Signing.
	Street.	No.	
.....
.....

2. All nomination papers shall have substantially the above form written or printed at the top thereof. No signatures shall be counted unless they be upon sheets each having such form written or printed at the top thereof.

3. Each signer of a nomination paper shall sign but one such paper for the same office, and shall declare that he intends to support the candidate named therein; he shall add his residence, with street and number, if any, and the date of signing.

4. For all nominations, except state officers, all signers of each separate nomination paper shall reside in the same precinct. For state officers, all signers on each separate nomination paper shall reside in the same county. The affidavit of a qualified elector shall be appended to each such nomination paper, stating that he is personally acquainted with all persons who have signed the same, and that he knows them to be electors of that precinct or county, as the nomination paper shall require; that he knows that they signed the same with full knowledge of the contents thereof and that their respective residences are stated therein and that each signer signed the same on the date stated opposite his name, and that he, the affiant, intends to support the candidate named therein. Such affidavit shall not be made by the candidate, but each candidate shall file with his nomination paper, or papers, a declaration that he will qualify as such officer if nominated and elected.

5. Such nomination papers shall be signed,—

(a) If for a state office by at least one per cent. of the voters of the party of such candidate in at least each of six counties in

the state, and in the aggregate not less than one per cent. of the total vote of his party in the state.

(b) If for a representative in congress, by at least two per cent. of the voters of his party in at least one-tenth of the election precincts in each of at least one-half of the counties of the congressional district, and in the aggregate not less than two per cent. of the total vote of his party in such district.

(c) If for an office representing less than a congressional district in area, or a county office, by at least three per cent. of the party vote in at least one-sixth of the election precincts of such district, and in the aggregate not less than three per cent. of the total vote of his party in such district.

The basis of percentage in each case shall be the vote of the party for the presidential elector receiving the largest vote at the last preceding presidential election.

But any political organization which at the last preceding general election was represented on the official ballot by either regular party candidates or by individual nominees only, may, upon complying with the provisions of this act, have a separate primary election ticket as a political party, if any of its candidates or individual nominees received one per cent. of the total vote cast at the last preceding general election in the state, or subdivision thereof, in which the candidate seeks the nomination.

Nomination papers may also be filed for non-partisan candidates; such papers shall contain at least two per cent. of the total vote cast at the last preceding general election in the state, or subdivision thereof, in which the person is a candidate, such signers to be distributed in each case as required by the provisions of this act.

Nomination papers, where filed. SECTION 6. All nomination papers shall be filed as follows:

1. For state officers, United States senator, representatives in congress, and those members of senate and assembly whose districts comprise more than one county, in the office of the secretary of state.
2. For offices to be voted for wholly within one county, in the office of the county clerk of such county.
3. For city officers, in the office of the city clerk.

Publication of names of candidates. SECTION 7. At least twenty-five days before any primary preceding a general election, the secretary of state shall transmit to each county clerk a certified list containing the name and post office address of each person for whom nomination papers have been filed in his office, and entitled to be voted for at such primary, together with a designation of the office for which he is a candidate, and the party or principle he represents.

Such clerk shall forthwith upon receipt thereof publish under the proper party designation, the title of each office, the names and address of all persons for whom nomination papers have been filed, giving the name and address of each, the date of the primary, the hours during which the polls will be opened, and that the primary will be held at the regular polling places in each precinct.

It shall be the duty of the county clerk to publish such notice for three consecutive weeks prior to said primary.

Such clerk shall also forthwith mail copies of such notice to each town, village and city clerk of his county, who shall immediately post copies of the same in at least three public places in each precinct in his town, village or city, designating therein the location of the polling booth in each election precinct.

Publication of notices. SECTION 8. Every publication required in this act shall be made in at least two, and not to exceed four newspapers of general circulation in such county or city, one of such newspapers shall represent the political party that cast the largest vote in such county or city at the preceding general election, and one of such newspapers shall represent the political party that cast the next largest vote in such county or city at the preceding general election.

In any case where the publication of a notice cannot be made, as hereinbefore required, it may be made in any newspaper having a general circulation in the county or city in which the notice is required to be published.

Official ballots. SECTION 9. An official ballot shall be printed and provided for use at each voting precinct in the form provided herein and annexed hereto. The names of all candidates for the respective offices, for whom the nomination papers prescribed shall have been duly filed, shall be printed thereon.

Preparation and distribution of ballots. SECTION 10. 1. At least twenty days before the September primary each county clerk shall prepare sample official ballots, placing thereon, alphabetically, under the appropriate title of each office and party designation, the names of all candidates to be voted for in the precinct of his county, for whom nomination papers have been filed. Such sample ballot shall be printed upon tinted or colored paper and shall contain no blank endorsement or certificate.

2. Such clerk shall forthwith submit the ticket of each party to the county chairman thereof and mail a copy to each candidate for whom nomination papers have been filed with him as required by this act, to his postoffice address, as given in such nomination paper, and he shall post a copy of each sample ballot in a conspicuous place in his office.

3. On the tenth day before such primary the county clerk shall correct any errors or omissions in the ballot, cause the same to be printed and distributed as required by law in the case of ballots for the general election, except that the number of ballots to be furnished to each precinct shall be twice the number of votes cast thereat in the last preceding general election.

Expenses of primary, how paid. SECTION 11. All ballots, blanks, and other supplies to be used at any primary, and all expenses necessarily incurred in the preparation for or conducting such primary, shall be paid out of the treasury of the city, county, or state, as the case may be, in the same manner, with like effect, and by the same officers as in the case of elections.

Conduct of primaries—manner of voting. SECTION 12. 1. The provisions of chapter 5, statutes of 1898, shall be applicable to the conduct of primaries where not otherwise provided. Section 47, statutes of 1898, is hereby amended so that all election officers shall be chosen or appointed in the manner therein provided, except that such choice shall be made in the month of August instead of September, as therein now provided.

2. The polls at primaries shall be open:

(a) In cities, from six o'clock in the morning until nine o'clock in the evening;

(b) In all other precincts, from eight o'clock in the morning until eight o'clock in the evening.

3. At all primaries there shall be an Australian ballot made up of the several party tickets herein provided for, all of which shall be securely fastened together at the top and folded, provided that there shall be as many separate tickets as there are parties entitled to participate in said primary election. There shall also be attached a non-partisan ticket upon which, under the appropriate title of each office shall be printed the names of all persons for whom nomination papers shall have been filed, as required by this act, who are not designated on such nomination papers as candidates of any political party, as defined by this act. The names of all candidates shall be arranged alphabetically according to surnames under the appropriate title of the respective offices and under the proper party designation upon the party ticket or upon the non-partisan ticket as the case may be. If any elector write upon his ticket the name of any person who is a candidate for the same office upon some other ticket than that upon which his name is so written, this ballot shall be counted for such person only as a candidate of the party upon whose ticket his name is written, and shall in no case be counted for such person as a candidate upon any other ticket. In case the person is nominated upon more than one ticket, he shall forthwith file with the proper officer, or officers in charge of the preparation of the ballots, a written declaration indicating the party designation under which his name is to be printed on the official ballot. The ballots with the endorsements shall be in substantially the form heretofore annexed, provided that ballots for any city primary may be varied as to the title of the offices to be printed thereon, so as to conform to the law under which each such primary is held. The provisions of section 51, statutes of 1898, so far as applicable shall govern the preparation of the ballot. After preparing his ballot, the elector shall detach the same from the remaining tickets and fold it so that its face will be concealed and the printed endorsements and signatures or initials thereon seen. The remaining tickets attached together shall be folded in like manner by the elector who shall thereupon, without leaving the polling place, vote the marked ballot forthwith, and deposit the remaining tickets in the separate ballot box to be marked and designated as the blank ballot box. Immediately after the canvass, the inspectors shall, without examination, destroy the tickets deposited in the blank ballot box.

Vacancies, how filled. SECTION 13. Vacancies occurring after the holding of any primary shall be filled by the party

committee of the city, district, county or state, as the case may be.

Voting and registration at primaries. SECTION 14. 1. No person shall be entitled to vote at any primary unless a qualified elector of the precinct and duly registered therein, if registration thereat be required by law.

2. Every primary election day and the Monday next preceding it, shall be registration days, where registration is required, on which the inspectors shall exercise the powers prescribed by sections 25 and 26, statutes of 1898; but no person shall be registered on or after the day of holding the primary without personally appearing before the inspectors.

3. The inspectors shall register any person who shall on any registration day file an oath or affirmation to the effect that he is a qualified elector in such precinct, or when they personally know him to be such.

4. Any person registered on either of said days as prescribed herein, shall be entitled to vote at the succeeding election without other registration.

5. There shall be no other registration day or days for either a primary, a general or a city election, except that prescribed by section 27, of the statutes of 1898.

6. No voter shall be required to register under the provisions of this act where registration is not now required by law.

7. The inspectors shall be in session for the purpose of registration from nine o'clock in the morning until eight o'clock in the evening, except that on the day of holding the primary they shall be in session from six o'clock in the morning until nine o'clock in the evening. No inspector or clerk shall be paid to exceed three dollars as compensation for his services on any registration, primary, general or city election day.

Challenges. SECTION 15. The party committee of each precinct may appoint in writing over their signatures, two party agents or representatives, with an alternate for each, who shall act as challengers for their respective parties, and have the power prescribed by section 46, statutes of 1898. The right of any person to vote at a primary may be challenged upon the same ground and his right to vote be determined in the same manner as at an election. The chairman of each party committee of any precinct may represent his party at the polling booth during the canvass and return of the vote at a primary,

or he may appoint an agent or designate a member of his committee for that purpose.

Canvass of votes. SECTION 16. Canvass of votes cast shall, except as herein otherwise provided, be made in the same manner and by the same officers as the canvass of an election. The party chairman of the precinct in a precinct canvass, of the county in a county canvass, of the state in a state canvass, or some duly appointed agent to represent each party shall be allowed to be present and observe the proceedings.

1. The precinct inspectors of election shall, on separate sheets, on blanks to be provided for that purpose, make full and accurate returns of the votes cast for each candidate, and shall within twenty-four hours cause to be delivered one copy of such returns as to each political party, to the county chairman of that party and also cause such returns to be delivered to the county clerk, if a September primary, or to the chairman of the city committee and city clerk if a city primary, provided always, that such returns shall be sent by registered mail where practicable.

2. The county canvass of the returns of a September primary shall be made by the same officers and in the manner provided in chapter 5, statutes of 1898, for the canvass of the returns of a November election. The canvassers shall meet and canvass such returns at ten o'clock on the Friday following the September primary. The returns shall contain the whole number of votes cast for each candidate of each political party, and a duplicate as to each political party shall be delivered to the county chairman of such party.

3. The canvassers shall also make an additional duplicate return in the same form as provided in subdivision 2, showing the votes cast for each candidate not voted for wholly within the limits of the county. The county clerk shall forthwith send to the secretary of state by registered mail one complete copy of all returns as to such candidates, and he shall likewise send to the chairman of the state central committee of each party a duplicate copy of the returns last described relating to such candidates of each such party.

State board of canvassers, how constituted and governed. SECTION 17. The board of canvassers provided for by section 93, statutes of 1898, to canvass returns of a November election, shall constitute the state board of canvassers of September primaries, and all the provisions of section 94 and 94b

inclusive of said statutes relating to the canvass of the return of a November election, shall, as far as applicable, apply to the canvass, return, and certification to the secretary of state of such primary. Such board shall meet at the office of the secretary of state at ten o'clock a. m. on the third Tuesday of September next after the September primary.

Party candidates. SECTION 18. 1. The person receiving the greatest number of votes at a primary as the candidate of a party for an office, shall be the candidate of that party for such office, and his name as such candidate shall be placed on the official ballot at the following election.

2. As soon as a state canvass of a primary shall be certified to him, the secretary of state shall publish in the official state paper a certified statement of the result of such primary as to candidates for state offices, United States senators and representatives in congress, and any other candidate whose district extends beyond the limits of a single county, and shall mail to the chairman of the state central committee of each party so much of such certificate as relates to his party.

Secretary of state to certify to county clerks. SECTION 19. 1. Not less than fourteen days before any November election the secretary of state shall certify to the county clerk of each county within which any of the electors may vote for the candidates for such offices, the name and description of each person nominated for any such office as specified in the nomination papers.

City board of canvassers; quorum; meetings, when held. SECTION 20. The canvass of the returns of a city primary shall be made by the mayor, the city clerk, and the treasurer of such city, any two of whom shall constitute a quorum. Such board of canvassers shall meet at eleven o'clock in the forenoon of the day following the city primary and canvass the vote substantially as provided by sections 82 and 83, statutes of 1898. They shall make and certify duplicate returns as to the votes cast for the candidates and forthwith certify and file one complete return with the city clerk and deliver so much of the other as relates to each party to the respective city chairman. So far as applicable and not otherwise provided herein, the provisions of this act shall apply to all city primaries, provided that the nomination papers therefor shall be filed at least fifteen days, a list of candidates posted and published at least ten days, and

the official ballot printed at least four days before the day of holding such primaries.

Party committees. SECTION 21. 1. At the September primary each voter may write in the space left on his ticket for that purpose the names of not to exceed three qualified electors of the precinct for members of his party precinct committee. The three having the highest number of votes shall constitute such committee, and the one having the largest vote shall be chairman. The official return made by the inspectors shall show the name and address of each party committeeman chosen.

2. The party committee of each city and county and of each assembly district shall consist of the party chairman of each precinct in such city, county, or district; the state senatorial district committee of the chairman of the assembly district committees in such senatorial district; the congressional committees of the party chairman of the senatorial district committees, wholly or partially, within such congressional district; the state central committee as hereinafter provided. Each such committee shall choose its officers by ballot excepting as herein provided.

3. Each committee and its officers shall have the powers usually exercised by such committees, and by the officers thereof, in so far as is consistent with this act. The various officers and committees now in existence shall exercise the powers and perform the duties herein prescribed until their successors are chosen in accordance with this act. At all meetings of said city, county and assembly district committees, each precinct chairman shall have one vote for every fifty votes, or major fraction thereof, cast by his party in his precinct at the last general election, each such chairman to have at least one vote, the vote at such general election to be determined as provided in section 5 of this act. The duties of the party precinct chairman, when he shall be unable to perform the same, shall be performed by a member of his party precinct committee designated by him. The duties of the chairman or secretary of any other committee may be performed by members of such committee, selected by such chairman or secretary. Any vacancy in any committee office shall be filled in the same manner as that in which such officer was originally chosen, except that in the case of a vacancy in the chairmanship of a precinct committee, the committee shall elect one of its members to fill such vacancy.

Party platform. SECTION 22. The candidates for the various state offices, and for senate and assembly nominated by each political party at such primary, shall meet at the capitol at twelve o'clock noon on the fourth Tuesday of September after the date on which any primary is held preliminary to any general election. They shall forthwith formulate the state platform of their party. They shall thereupon proceed to elect a state central committee of at least two members from each congressional district and a chairman of such committee, and perform such other business as may be properly brought before such meeting. The platform of each party shall be framed at such time that it shall be made public, not later than six o'clock in the afternoon of the following day.

Miscellaneous provisions. SECTION 23. 1. In case of a tie vote, the tie shall forthwith be determined by lot by the canvassers.

2. It shall be the duty of the secretary of state and attorney general, on or before July 1st, 1905, to prepare all forms necessary to carry out the provisions of this act, which forms shall be substantially followed in all primaries held in pursuance hereof. Such forms shall be printed with copies of this act for public use and distribution. Every day on which a September primary shall be held shall be a legal holiday.

The penal provision. SECTION 24. 1. Any person who shall offer, or with knowledge of the same, permit any person to offer for his benefit any bribe to a voter to induce him to sign an election paper to any person who shall accept any such bribe or promise of gain of any kind in the nature of a bribe as consideration for signing the same, whether such bribe or promise of gain in the nature of a bribe be offered or accepted before or after such signing, shall be guilty of a misdemeanor, and upon trial and conviction thereof be punished by a fine of not less than twenty-five nor more than five hundred dollars, or by imprisonment in the county jail of not less than ten days nor more than six months, or by both fine and imprisonment.

2. Any act declared an offense by the general laws of this state concerning caucuses and elections shall also, in like case, be an offense in all primaries, and shall be punished in the same form and manner as therein provided, and all the penalties and provisions of the law as to such caucuses and elections, except as herein otherwise provided, shall apply in such case with equal

force, and to the same extent as though fully set forth in this act.

3. Any person who shall forge any name of a signer or witness to a nomination paper shall be deemed guilty of forgery, and on conviction punished accordingly. Any person who, being in possession of nomination papers entitled to be filed under this act, or any act of the legislature, shall wrongfully either suppress, neglect, or fail to cause the same to be filed at the proper time in the proper office shall on conviction be punished by imprisonment in the county jail not to exceed six months, or by a fine not to exceed five hundred dollars, or by both such fine and imprisonment in the discretion of the court.

General election law to apply. SECTION 25. The provisions of the statutes now in force in relation to the holding of elections, the solicitation of voters at the polls, the challenging of voters, the manner of conducting elections, of counting the ballots and making return thereof, and all other kindred subjects, shall apply to all primaries in so far as they are consistent with this act, the intent of this act being to place the primary under the regulation and protection of the laws now in force as to elections.

Submission of act to vote of people: when to take effect if approved. SECTION 26. The question whether the foregoing provisions of this act shall take effect and be in force shall be submitted to the people of this state, in the manner provided by law for the submission of an amendment to the constitution, at the next general election to be held in November, 1904. If approved by a majority of the votes cast upon that question, it shall go into effect and be in force from and after such ratification by the people; otherwise it shall not take effect or be in force. Upon the ballot shall be printed "Shall Chapter (insert on the ballot the number of chapter) of the laws of 1903, entitled 'An act to provide for party nomination by direct vote' be adopted."

Conflicting laws repealed. SECTION 27. All acts or parts of acts inconsistent with or in conflict with the provisions of this act are hereby repealed.

SECTION 28. This act shall take effect and be in force from and after its passage and publication subject to all provisions herein contained for its submission to the people for their ratification or rejection.

Approved May 23, 1903.

MEMORIALS AND JOINT RESOLUTIONS.

[No. 2, A.]

MEMORIAL NO. 1.

Petitioning the Congress of the United States to legislate to complete the survey of unsurveyed islands in the Wisconsin and Mississippi rivers, within the boundary of the State of Wisconsin, which are subject to overflow; and to require the secretary of the interior to comply with the provisions of section 2 of an act of Congress, approved September 20, 1850, entitled, "An act to enable the State of Arkansas and other states to reclaim the swamp lands within their limits," by requiring the said secretary of the interior to make out an accurate list and plats of the lands granted to this state by said act, and to transmit the same to the governor, and at the request of the governor, cause patent to be issued to the state therefor.

WHEREAS, by an act of the congress of the United States, entitled, "An act to enable the State of Arkansas and other states to reclaim the swamp lands within their limits," approved September 28, 1850, there was granted to this State, all the swamp and overflowed lands made thereby unfit for cultivation, which remained unsold at the passage of said act; and

WHEREAS, by said act, it was made the duty of the secretary of the interior as soon as practicable to make out an accurate list and plats of the lands so granted, and transmit the same to the governor, and at the request of the governor cause a patent to be issued to the state therefor, and

WHEREAS, more than fifty years have elapsed since the passage of the said act, granting to this state the swamp and overflowed lands therein, the secretary of the interior has failed and neglected to make out an accurate list and plats of the lands so

granted, and has failed and neglected to cause surveys of overflowed islands to be made, and by reason of such failure and neglect, the state is deprived of large quantities of land to which it is justly entitled under the act aforesaid. Therefore

RESOLVED, that it is the sense of the legislature of Wisconsin that Congress by appropriate act require the secretary of the interior to comply with the provisions of the act of Congress aforesaid, granting to this state the swamp lands therein, and requiring the survey of the unsurveyed islands in the Wisconsin and Mississippi rivers within the boundary of this State, subject to overflow.

ASSEMBLY RESOLUTION NO. 1.

WHEREAS, death has removed from the stage of this life the Honorable Raphael Katz, who died October 22nd, 1902, and.

WHEREAS, during the time the deceased was a member of the Assembly of this state, he had by his manly virtues, his integrity and devotion to duty invited the confidence and commanded the respect and friendship of his associate members; therefore, be it

RESOLVED, that in the death of Mr. Katz we are called upon to mourn the loss of a faithful friend, an earnest worker in the interest of wise legislation, and a man whose honesty in his active business life won for him the respect of all men.

BE IT FURTHER RESOLVED, that we tender to the family of our honored friend our expression of heartfelt sympathy;

AND BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the family of the deceased.

[No. 8, S.]

JOINT RESOLUTION NO. 1.

Relating to Inter-State Commerce Commission.

WHEREAS, continuous effort has been made during the past four sessions of the congress of the United States to secure legislation giving greater effectiveness to the interstate commerce act, by investing the commission created by that act with larger authority with respect to the rates established by common carriers for the transportation of persons or property; therefore, be it

RESOLVED by the Senate, the Assembly concurring, that it is the opinion of this legislature that appropriate and effective legislation to accomplish this purpose be enacted at the earliest possible date.

RESOLVED, that a copy of the foregoing preamble and resolutions be immediately transmitted by the Secretary of State to the president of the senate and to the speaker of the house of representatives and each of the senators and representatives from this state.

[No. 7, S.]

JOINT RESOLUTION NO. 2.

Relating to number of votes cast for Governor and Congressmen, 1902.

RESOLVED by the Senate, the Assembly concurring, that the Secretary of State be requested to communicate with the clerks of the several counties of the State, and obtain from them a statement of the whole number of votes cast in their respective counties, at the election in November, 1902, (male and female separately) and the whole number of votes cast for Governor, Member of Congress and Sheriff in their counties, and transmit such statements when completed to the legislature.

[No. 6, A.]

JOINT RESOLUTION NO. 3.

WHEREAS, in His inscrutable wisdom, God has seen fit to remove from their sphere of usefulness, James Foley, chief of the Milwaukee Fire Department, and Andrew J. White, Captain of Truck 1, and Edward Hogan, pipeman, Co. No. 1, Thos. A. Dooney, pipeman of Chemical Co. No. 1, besides placing in imminent danger Assistant Chief Clancy and other members of the department: and,

WHEREAS, James Foley was a man with a national reputation as a fire fighter, and a man with the highest ideals of what a fire department should be; therefore,

RESOLVED, by the Assembly the Senate concurring, that in the death of Chief Foley Milwaukee suffers an irreparable loss, and the state of Wisconsin loses a splendid citizen whose example was an incentive to every man to do his full duty, no matter what his position might be.

RESOLVED, further, that this Legislature desires to express its admiration for the man and to extend its condolences not only to his afflicted family, but also to the city of Milwaukee.

RESOLVED, further, that these resolutions be engrossed and one copy sent to the family and another to the Common Council of Milwaukee.

 [No. 14, S.]

JOINT RESOLUTION NO. 4.

WHEREAS, since this body was last convened, its President, the Honorable Jesse Stone, Lieutenant Governor, has been called from labor to rest, from trouble to peace, from this seen to that unseen world where we trust that enduring comfort makes amends for all losses; therefore,

RESOLVED by the Senate, the Assembly concurring, that in the death of Lieutenant Governor Stone, who passed away at his home in Watertown on the eleventh day of May, 1902, this body lost a most courteous, impartial and highly esteemed presiding officer, that the State lost an able official of unimpeach-

able character, that his home city lost a citizen of wide and good repute, a neighbor whose good and kindly offices were numberless as well as bountiful, that the church lost a liberal and unblemished adherent and that we sincerely bear this testimony to the worth and kindness of a man whose like we shall not soon look upon again.

RESOLVED that we hereby tender his stricken family such possible consolation as may be in heartfelt sympathy, thoughtful commiseration and the assurance that our sorrow and sense of loss are constantly emphasized by our knowledge of the unspeakable character of that which they must endure.

RESOLVED that these resolutions be entered in the journal and that a copy suitably engrossed and signed by the President and Chief Clerk of the Senate, the Speaker and Chief Clerk of the Assembly, be sent to the bereaved family.

[No. 9, S.]

JOINT RESOLUTION NO. 5.

WHEREAS since we last convened death has removed from among our number the Honorable De Wayne Stebbins, who departed this life June 12th, 1901, therefore

RESOLVED by the Senate, the Assembly concurring, that in the death of this eminent Senator the Senate has lost one of its most patient and influential members, the State of Wisconsin one of its noblest sons and the country one of its bravest defenders. His gallant service in the American navy, under Farragut, will long be remembered by the American people. His services to the country in the hour of need is a worthy example to the rising generation. His good business qualities, his loyalty to duty, his kindness of heart, his faith in a friend, his high character, his honor in fulfilling promises made, his winning personality, all leave a record of nobility and frankness that will live in our hearts as a blossom to remind us of dear Senator Stebbins.

RESOLVED that we tender to the bereaved family of the honored dead our most earnest expression of sympathy, assuring them

that all the people of Wisconsin mourn with them the loss of one so universally known, loved and respected.

RESOLVED that a copy of these resolutions, signed by the presiding officers and clerks of the Senate and Assembly be presented to the family of Senator Stebbins.

[No. 16, S.]

JOINT RESOLUTION NO. 6.

WHEREAS this body has heard with deep regret of the death of Hon. Francis A. Hoffman, for thirty years one of Wisconsin's most esteemed citizens, who by his able writings, which made him known all over our country, furthered in a marked degree the agricultural interests of America, and of the State of Wisconsin in particular, and who as Lieutenant and Acting Governor of the State of Illinois during the trying period of the Civil War ably and usefully served his country, be it

RESOLVED by the Senate, the Assembly concurring, that we hereby express our regrets at the loss of such a worthy citizen, and that the Legislature take public notice of his death.

RESOLVED further, that this resolution be enrolled and a copy thereof transmitted to the sorrowing wife and family to whom we tender our deepest sympathy in their great bereavement.

[No. 5, A.]

JOINT RESOLUTION NO. 7.

Agreeing to a proposed amendment to the constitution.

WHEREAS, at the biennial session of the legislature for the year 1901, an amendment to the constitution of this State (the same being in fact an amendment to section four, of article 7. thereof as amended in 1877) was proposed and agreed to by a

majority of the members elect of each of the two houses, which proposed amendment was in the following language:

RESOLVED, by the Assembly, the Senate concurring, that section 1 of article 7 of the constitution be amended so as to read as follows: Section 1. The chief justice and associate justices of the supreme court shall be severally known as the justices of said court, with the same terms of office of ten years respectively as now provided. The supreme court shall consist of seven justices, any four of whom shall be a quorum, to be elected as now provided, not more than one each year. The justice having been longest a continuous member of said court, or in case two or more such senior justices shall have served for the same length of time, then the one whose commission first expires shall be ex-officio, the chief justice.

THEREFORE RESOLVED, by the Assembly, the senate concurring: that the foregoing proposed amendment to the constitution of the state of Wisconsin be and the same is hereby agreed to by this legislature.

[No. 14, A.]

JOINT RESOLUTION NO. 8.

Extending thanks of Legislature to Prof. J. C. Freeman.

RESOLVED by the Assembly, the Senate concurring, that the thanks of the Legislature be extended to Professor J. C. Freeman for the excellent address which he delivered before us on the evening of February 25th, 1903.

[No. 18, S.].

JOINT RESOLUTION NO. 9.

WHEREAS, Article V of the Constitution of the United States provides that "the congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this constitution, or on the application of the legislatures of two-thirds of the several states shall call a convention for proposing amendments, which in either case shall be valid to all intents and purposes as part of this constitution, when ratified by the legislatures of three-fourths of the several states, or by convention in three-fourths thereof," etc., and

WHEREAS, the House of Representatives of the Congress of the United States has on four separate occasions passed by a two-thirds vote a resolution proposing an amendment to the constitution providing for the election of United States senators by direct vote of the people, and

WHEREAS, the United States senate has each time refused to consider or vote upon said resolution, thereby denying to the people of the several states a chance to secure this much desired change in the method of electing senators, therefore be it

RESOLVED by the Senate and Assembly of the state of Wisconsin, that, under the authority of Article V of the Constitution of the United States, application is hereby made to Congress to forthwith call a constitutional convention for the purpose of submitting to the states for ratification, an amendment to the Federal Constitution providing for the election of United States senators by direct vote of the people; and

RESOLVED, that the Secretary of State be and is hereby directed to forward a proper authenticated copy of these resolutions to the President of the United States, to the President of the Senate of the United States and to the Speaker of the House of Representatives of the United States.

[No. 27, S.]

JOINT RESOLUTION NO. 10.

We have learned with profound regret that Honorable Orsamus Cole, a justice of the Supreme Court for upwards of thirty-seven years, has departed this life. Justice Cole came to this state at an early day, and speedily achieved distinction. He was a member of the Second Constitutional Convention held in 1847 and the succeeding year he represented Wisconsin in national Congress as a member representing the largest district in the United States. In 1855 he was elected to the honorable position of Justice of the Supreme Court of Wisconsin, and served in that capacity continuously until he voluntarily retired to private life in 1892. The history and progress of Wisconsin is largely reflected in the decisions of the court during those thirty-seven years. His part of that work is characterized by the clearness and lucidity of his reasoning which won for him the admiration and respect of the bar and the people of the state. In his death Wisconsin has sustained an irreparable loss. He was of a modest, retiring disposition, never seeking public favor, but he impressed himself upon all who knew him, as a man of unswerving integrity and manly character.

RESOLVED by the Senate, the Assembly concurring, that we deeply feel the loss to the state of an eminent jurist, the best years of whose life were spent in our service, of an upright, honorable citizen whose life is an inspiration worthy of emulation, whose memory should be forever revered by the people of Wisconsin.

RESOLVED further, that the sincere condolence of this legislature is extended to his family and relatives in the personal loss they have sustained.

[No. 23, A.]

JOINT RESOLUTION NO. 11.

Providing for an amendment to section 1, article VIII, of the Constitution, relating to taxation.

RESOLVED by the Assembly, the Senate concurring, that section 1 of article VIII of the constitution of the state of Wisconsin be amended by adding at the end thereof the following sentence: "The legislature may provide for a graduated income tax," so that when so amended said section shall read as follows: Section 1. The rule of taxation shall be uniform, and taxes shall be levied upon such property as the legislature shall prescribe. The legislature may provide for a graduated income tax.

[No. 27, A.]

JOINT RESOLUTION NO. 12.

WHEREAS, the prevalence of pulmonary tuberculosis demands that action be taken by the legislature of this state to afford relief from existing conditions; and

WHEREAS, the movement for a State Sanitarium where sufferers from tuberculosis can be given the necessary treatment and education to cure and prevent the spread of this dread disease, has received practically the unanimous indorsement of the press of this state as well as men prominent in the medical profession and other walks of life; therefore, be it

RESOLVED by the Assembly, the Senate concurring, that the Governor of this State be requested to appoint a commission of three men, one at least of whom shall be a physician who has given some study to this question, to investigate conditions existing in this state in this regard, the advisability and practicality of the establishment of such a sanitarium and to select and suggest a proper site or sites for the same; such commission to report to the governor on or before December 1st, 1904, in order that the governor may make recommendations on the matter to the next legislature. Such commission shall serve without pay, but their actual traveling expenses during this service shall be paid out of any funds in the state treasury not otherwise appropriated.

CERTIFICATE.

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CERTIFICATE.

STATE OF WISCONSIN,
Department of State.

I, W. L. HOUSER, Secretary of State of the State of Wisconsin, do hereby certify that the foregoing copies of laws, memorials and joint resolutions passed by the legislature at the spring session of 1903 have been compared by me with the original enrolled acts, memorials and joint resolutions, deposited in this office, and that they appear correctly printed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the lesser seal of the state, at the capitol,
[I. s.] in the city of Madison, this 8th day of July,
A. D. 1903.

W. L. HOUSER,
Secretary of State.

WISCONSIN COURTS.

SUPREME COURT OF WISCONSIN.

Name.	Title of Office.	Salary.	Term expires
JOHN B. CASSODAY	Chief Justice	\$3,000	Jan., 1910
JOHN B. WINSLOW	Justice	5,000	Jan., 1908
ROUJET D. MARSHALL	Justice	5,000	Jan., 1910
JOSHUA E. DODGE	Justice	*5,000	Jan., 1912
ROBERT G. SIEBECKER	Justice	*5,000	Jan., 1914

* Salary \$3,000 beginning 1902.

Terms of Court at Madison.

JANUARY TERM - Tuesday preceding the second Wednesday in January.
AUGUST TERM - Second Tuesday in August.

SUPERIOR COURTS.

JUDGE--J. C. LUDWIG.

Term ends first Monday of January, 1906.

COUNTY.	TERMS.	WHERE HELD.	LAW.
Milwaukee....	First Monday of January	Milwaukee.....	Ch. 22, 1899.
	First Monday of April.....	Milwaukee.....	Ch. 22, 1899.
	Second Monday of September..	Milwaukee.....	Ch. 22, 1899.

Said superior court on and after the first Monday in May, 1903, shall be presided over by but one judge. *Sec. 2, Chap. 1, Laws of 1903.*

JUDGE CHARLES SMITH.

Term ends first Monday of January, 1905.

COUNTY.	TERMS.	WHERE HELD.	LAW.
Douglas ...	First Tuesday of January	West Superior....	Ch. 112, 1897.
	First Tuesday of April	West Superior....	Ch. 112, 1897.
	First Tuesday of September...	West Superior....	Ch. 112, 1897.

WISCONSIN CIRCUIT COURTS.

STATEMENT showing the Names and Post-office Address of the Circuit Judges, and Times and Places for holding Circuit Courts in the several Counties in Wisconsin.

Salary of Circuit Judges, \$3,800 per annum, and \$100 for expenses.

The judge of any circuit may, by an order entered and recorded in the clerk's office, appoint not to exceed two extra terms of court, to be held in any county in his circuit, when he shall deem it necessary during any one year, and may or may not, in his discretion, cause jurors therefor to be drawn and summoned as for other terms. At such extra terms the same business may be transacted as at a regular term for such county. Sec. 222, W. S. 1898.

Every term in any county in each circuit shall be a special term for the whole circuit unless the court, by order filed in the clerk's office at least twelve days before any such term, shall otherwise order as to such county. Sec. 222, W. S. of 1898, as amended by Sec. 32, Ch. 351, L. 1899.

FIRST CIRCUIT.

JUDGE—E. B. BELDEN, RACINE.

Term ends on the day preceding the first Monday in January, 1903.

COUNTIES.	TERMS.	WHERE HELD.	LAWS.		
Walworth.....	3d Monday in February..... 1st Monday in June..... 1st Monday in October.....	Elkhorn.....	Sec. 2124, W. S. 1898.		
Racine.....	2d Monday in April..... 4th Monday in June..... 2d Monday in November.....			Racine.....	Sec. 2424, W. S. 1898.
Kenosha.....	2d Monday in March..... 2d Monday in June..... 2d Monday in September.....			Kenosha.....	Sec. 2424, W. S. 1898.

No jury shall be summoned for either of the terms to be held in the month of June. Sec. 2424, W. S. 1898.

SECOND CIRCUIT.

JUDGE—L. W. HALSEY, MILWAUKEE.

Term ends on the day preceding the first Monday of January, 1906.

JUDGE—W. D. TARRANT, MILWAUKEE.

Term ends on the day preceding the first Monday of January, 1906.

* JUDGE—ORIN T. WILLIAMS, MILWAUKEE.

Term ends on the day preceding the first Monday of January, 1910.

COUNTIES.	TERMS.	WHERE HELD.	LAWS.
Milwaukee..	1st Monday in January..... 1st Monday in April..... 1st Monday in July..... 1st Monday in October.....	Milwaukee.....	Sec. 2424, W. S. 1898.

* Additional circuit judge authorized by chapter 2, laws of 1903. A jury shall be summoned for the first day of each of said term unless it is otherwise ordered by the court. Sec. 2424 W. S. of 1898.

THIRD CIRCUIT.

JUDGE—GEO. W. BURNELL, OSHKOSH.

Term ends on the day preceding the first Monday of January, 1909.

COUNTIES.	TERMS.	WHERE HELD.	LAWS.
Calumet.....	2d Monday in March..... } 1st Monday in October..... }	Chilton	Sec. 2424, W. S. 1898
Green Lake...	3d Monday in January..... } 2d Monday in June..... }	Dartford.....	Sec. 2424, W. S. 1898.
Winnebago*...	1st Monday in May..... } 1st Monday in December..... }	Oshkosh	Sec. 2424, W. S. 1898.
SPECIAL TERMS.			
Winnebago....	1st Tuesday in February } and September..... }	Oshkosh	Sec. 2424, W. S. 1898.

* The court for said county shall be deemed to be opened for the transaction of business from the commencement of one regular term to the commencement of another, and an adjournment of the term from day to day shall not be necessary to the validity of any proceeding therein. *Sec. 2424, W. S. of 1898.*

FOURTH CIRCUIT.

JUDGE—MICHAEL KIRWAN, MANITOWOC.

Term ends on the day preceding the first Monday of January, 1905.

COUNTIES.	TERMS.	WHERE HELD.	LAWS.
Sheboygan....	2d Monday in April..... } 3d Monday in September..... }	Sheboygan...	Sec. 2424, W. S. 1898.
Manitowoc....	Tuesday after 2d Monday in Jan... } Tuesday after 1st Monday in June }	Manitowoc...	Sec. 2424, W. S. 1898.
Kewaunee.....	Second Monday in May..... } 3d Monday in October..... }	Kewaunee....	Sec. 2424, W. S. 1898.
Fond du Lac..	Tuesday after 3d Monday in Feb- } ruary..... } Tuesday after 1st Mond'y in March } Tuesday after 1st Monday in July } Tuesday after second Monday in } November..... }	Fond du Lac	Sec. 2424, W. S. 1898.

No jury shall be summoned for the terms appointed for February and July unless specially ordered by the judge. Such terms shall be a continuation of all terms therein which are not finally adjourned. * * * * * No term of such court shall be at an end until an express order for final adjournment is made and entered, and one term may be adjourned beyond the beginning of the next term in same county. *Sec. 2424, W. S. 1898.*

FIFTH CIRCUIT.

JUDGE—GEORGE CLEMENTSON, LANCASTER.

Term ends on the day preceding the first Monday of January, 1907.

COUNTIES.	TERMS.	WHERE HELD.	LAWS.
Grant.....	3d Monday in February..... } 2d Monday in October..... }	Lancaster.....	Chap.13,sec. 1, L.1901.
Iowa	3d Monday in March..... } 4th Monday in September.. }	Dodgeville.....	Chap.13,sec. 1, L.1901.
Lafayette.....	1st Monday in June..... } 1st Monday in December.... }	Darlington.....	Chap.13,sec. 1, L.1901.
Richland.....	2d Tuesday in April..... } 2d Tuesday in September.... }	Richland Center	Chap.13,sec. 1, L.1901.
Crawford.....	2d Tuesday before the 1st } Monday in June..... } 2d Tuesday in November.... }	Prairie du Chien	Chap.13,sec. 1, L.1901

SIXTH CIRCUIT.

*JUDGE—J. J. FRUIT, LA CROSSE.

Term ends on the day preceding the first Monday of January, 1907.

COUNTIES.	TERMS.	WHERE HELD.	LAWS.
La Crosse.....	2d Tuesday in January..... } 1st Tuesday in May..... } 2d Tuesday in September.... }	La Crosse.....	Sec. 2424, W. S. 1898.
Monroe.....	3d Tuesday in March..... } 1st Tuesday in October..... }	Sparta.....	Sec. 2424, W. S. 1898.
Trempealeau..	1st Tuesday in March..... } 3d Tuesday in October..... }	Whitehall.....	Sec. 2424, W. S. 1898.
Vernon.....	2d Tuesday in June..... } 2d Tuesday in December.... }	Viroqua.....	Sec. 2421, W. S. 1898.
Juneau.....	2d Tuesday in April..... } 3d Tuesday in November.... }	Mauston.....	Sec. 2424, W. S. 1898.

*Appointed to succeed Orvis B. Wyman, deceased.

SEVENTH CIRCUIT.

JUDGE—CHARLES M. WEBB, GRAND RAPIDS.

Term ends on the day preceding the first Monday of January, 1909.

COUNTIES.	TERMS.	WHERE HELD.	LAWS.
Adams.....	2d Tuesday in June..... 3d Tuesday in December.....	Friendship.....	Sec. 1, Ch. 226, L. 1903
Portage.....	4th Monday in March..... 4th Monday in October.....	Stevens Point.....	Sec. 1, Ch. 226, L. 1903
Waupaca.....	1st Monday in March..... 4th Monday in November.....	Waupaca.....	Sec. 1, Ch. 223, L. 1901
Waushara...	Last Monday in April..... 3d Monday in September.....	Wautoma.....	Sec. 1, Ch. 225, L. 1903
Wood.....	2d Monday in May..... 1st Monday in October.....	Grand Rapids.....	Sec. 1, Ch. 226, L. 1903

EIGHTH CIRCUIT.

JUDGE—EUGENE W. HELMS, HUDSON.

Term ends on the day preceding the first Monday of January, 1909.

COUNTIES.	TERMS.	WHERE HELD.	LAWS.
Buffalo.....	3rd Monday in February..... 4th Monday in October.....	Alma.....	Sec. 1, ch. 133, 1901.
Dunn.....	2d Monday in March..... 2d Monday in September.....	Menominee.....	Sec. 1, ch. 133, 1901.
Pepin.....	3d Monday in April..... 3d Monday in October.....	Durand.....	Sec. 1, ch. 133, 1901.
Pierce.....	2d Monday in May..... 3d Monday in November.....	Ellsworth.....	Sec. 1, ch. 353, 1901.
St. Croix.....	4th Monday in March..... 4th Monday in September.....	Hudson.....	Sec. 1, ch. 133, 1901.

The judge of said circuit may appoint, by order to be filed in the office of the clerk of the circuit court for each county therein, four special terms in each year at such times and places as he shall deem necessary and proper. Said order shall be filed at least four weeks before the time therein appointed for holding any such term, and the time of holding the same may be changed in like manner. At terms so appointed and held any and all business except the trial of issues of fact by a jury may be transacted. Sec. 2424, W. S. 1898.

NINTH CIRCUIT.

JUDGE—E. RAY STEVENS, MADISON.

Term ends on the day preceding the first Monday of June, 1901, and term of his successor ends on the day preceding the first Monday in January, 1909.

COUNTIES.	TERMS.	WHERE HELD.	LAWS.
Columbia...	2d Tuesday in May..... } 1st Tuesday in December..... }	Portage.....	Sec. 2424, W. S. 1898.
Dane*.....	2d Monday in January..... } Monday after first Tuesday in April..... } 4th Monday in June..... } 3d Monday in September..... }	Madison.....	Sec. 2121, W. S. 1898.
Marquette.....	1st Tuesday in June..... } Tuesday after 3d Monday in No- } vember..... }	Montello.....	Sec. 2424, W. S. 1898.
Sauk.....	2d Tuesday in March..... } 3d Tuesday in October..... }	Baraboo.....	Sec. 2424, W. S. 1898.

*But no jury shall be summoned for the term in June. *Sec. 2424, W. S., 1898.*

TENTH CIRCUIT.

JUDGE—JOHN GOODLAND, APPLETON.

Term ends on the day preceding the first Monday of January, 1910.

COUNTIES.	TERMS.	WHERE HELD.	LAWS.
Florence.....	1st Tuesday in March..... } 3d Tuesday in September..... }	Florence.....	Sec. 2424, W. S. 1898.
Forest.....	2d Tuesday in March..... } 4th Tuesday in September..... }	Crandon.....	Sec. 2424, W. S. 1898.
Langlade.....	3d Monday in March..... } 1st Monday in October..... }	Antigo.....	Sec. 2424, W. S. 1898.
Outagamie*....	1st Tuesday in February..... } 3d Monday in April..... } 2d Monday in November..... }	Appleton.....	Sec. 2121, W. S. 1898.
Shawano.....	3d Monday in May..... } 1st Monday in December..... }	Shawana.....	Sec. 2424, W. S. 1898.,

*No jury shall be summoned for the February term in said county. *Sec. 2424, W. S. 1898.*

ELEVENTH CIRCUIT.

JUDGE—A. D. J. VINJE, SUPERIOR.

Term ends on the day preceding the first Monday of January, 1907.

COUNTIES.	TERMS.	WHERE HELD.	LAWS.
Barron	2d Tuesday in April..... } 4th Tuesday in September... }	Barron	Sec. 2424, W. S. 1886.
Burnett.....	1st Tuesday in March..... } 3d Tuesday in September... }	Grantsburg.....	Sec. 2424, W. S. 1886.
Chippewa	1st Tuesday in May..... } 2d Tuesday in October..... }	Chippewa Falls..	Sec. 2424, W. S. 1886.
Douglas.....	1st Tuesday in February..... } 1st Tuesday in June..... } 2d Tuesday in November..... }	Superior.....	Sec. 2424, W. S. 1886.
Polk.....	2d Tuesday in March..... } 1st Tuesday in September... }	Balsam Lake....	Sec. 2424, W. S. 1886.
Washburn.....	4th Tuesday in March..... } 4th Tuesday in August..... }	Shell Lake.....	Sec. 2424, W. S. 1886.

TWELFTH CIRCUIT.

JUDGE—BENJAMIN F. DUNWIDDIE, JANESVILLE.

Term ends on the day preceding the first Monday of January, 1907.

COUNTIES.	TERMS.	WHERE HELD.	LAWS.
Rock.....	4th Monday in February..... } 1st Monday in June..... } 3d Monday in November..... }	Janesville.....	Chap. 27, sec. 1, L. 1901.
Green	1st Monday in April..... } 4th Monday in June..... } 3d Monday in October..... }	Monroe	Chap. 27, sec. 1, L. 1901.
Jefferson.....	1st Monday in February..... } 2d Monday in June..... } 3d Monday in September..... }	Jefferson.	Chap. 27, sec. 1, L. 1901.

No jury shall be summoned for either of the terms to be held in the month of June.
Chap. 27, L. 1901.

THIRTEENTH CIRCUIT.

JUDGE--JAMES J. DICK, BEAVER DAM.

Term ends on the day preceding the first Monday of January, 1906.

COUNTIES.	TERMS.	WHERE HELD.	LAWS.
Dodge.....	4th Tuesday in September... } 2d Tuesday in February..... }	Juneau	Sec. 2424, W. S. 1898.
Ozaukee.....	1st Tuesday in September... } 1st Tuesday in March..... }	Port Washington	Sec. 2424, W. S. 1898.
Washington...	3d Tuesday in October..... } 3d Tuesday in March..... }	West Bend.....	Sec. 2424, W. S. 1898.
Waukesha*..	1st Tuesday in December... } 1st Monday in May..... } 4th Tuesday in August (spe- } cial)..... } 1st Tuesday in February } (special)..... }	Waukesha	Sec. 2424, W. S. 1898.

* No jury shall be summoned for the special terms. *Sec. 2424, W. S. 1898.*
At any general or special term any and all business may be done arising or pending in any county in said circuit which might be done at a general term in the several counties except the trial of issues of fact by a jury. *Sec. 2424, W. S. 1898.*

FOURTEENTH CIRCUIT.

JUDGE - SAMUEL D HASTINGS, JR., GREEN BAY.

Term ends on the day preceding the first Monday of January, 1908.

COUNTIES.	TERMS.	WHERE HELD	LAWS.
Brown	Last Monday in November.. } 1st Monday in March... } 1st Monday in June... }	Green Bay.. . . .	Sec. 2424, W. S. 1898.
Door	1st Tuesday in February... } Tuesday after 1st Monday in } September..... }	Sturgeon Bay ..	Sec. 2424, W. S. 1898.
Marinette....	2d Monday in January..... } 1st Monday in May..... } 1st Monday in October..... }	Marinette.....	Sec. 2424, W. S. 1898.
Oconto	2d Monday in April..... } 2d Monday in November. ... }	Oconto.....	Sec. 2424, W. S. 1898.

FIFTEENTH CIRCUIT.

JUDGE—J. K. PARISH, ASHLAND.

Term ends on the day preceding the first Monday of January, 1906.

COUNTIES.	TERMS.	WHERE HELD.	LAWS.
Ashland.....	2d Monday in April..... } 3d Monday in September. }	Ashland.....	Sec. 1, ch. 253, L. 1903.
Bayfield.....	2d Monday in May..... } 3d Monday in October..... }	Washburn.....	Sec. 1, ch. 253, L. 1904.
Gates.....	1st Tuesday after July 4th } 2d Monday in December... }	Ladysmith.....	Sec. 1, ch. 253, L. 1903.
Iron.....	2d Monday in June..... } 4th Monday in November.. }	Hurley.....	Sec. 1, ch. 253, L. 1904.
Price.....	4th Monday in June..... } 1st Tuesday after 1st Mon- } day in January..... }	Phillips.....	Sec. 1, ch. 255, L. 1904.
Sawyer.....	1st Monday in June..... } 2d Monday in November.. }	Hayward.....	Sec. 1, ch. 255, L. 1903.
Taylor.....	Last Monday in March... } 1st Monday in September. }	Medford.....	Sec. 1, ch. 253, L. 1904.

No jury shall be summoned for any such term if the presiding judge of the circuit shall file an order with the clerk of the court for any county therein, at least fifteen days before any general term in such county, directing that no jury shall be summoned; such order may be made whenever it shall appear that there is no necessity for a jury. Said judge may adjourn any general or extra term of such court to the next ensuing general term or beyond the time fixed for holding general terms thereof in any county in the circuit. *Sec. 1, Chap. 253, L. 1903.*

SIXTEENTH CIRCUIT.

JUDGE—W. C. SILVERTHORN, WAUSAU.

Term ends on the day preceding the first Monday of January, 1904.

COUNTIES.	TERMS.	WHERE HELD.	LAWS.
Lincoln.....	1st Monday in October... } 1st Monday after 1st Tues- } day in April..... }	Merrill.....	Sec. 1, ch. 2, L. 1901.
Marathon....	2d Monday in February... } 2d Monday in September.. }	Wausau.....	Sec. 1, ch. 2, L. 1901.
Oneida.....	1st Monday in May..... } 2d Monday in November.. }	Rhineland.....	Sec. 1, ch. 2, L. 1901.
Vilas.....	4th Monday in May..... } 1st Monday in December.. }	Eagle River.....	Sec. 1, ch. 2, L. 1901.

Every general term of the circuit in each of the counties as herein provided for shall be a special term of the circuit court for each of the other counties in said circuit, and any and all business arising and pending, or which may arise or be pending in any of the counties in said circuit, except the trial of issues of fact by a jury, may be brought and heard and determined or disposed of judicially, at any of such special terms. *Sec. 3, Chap. 2, L. of 1901.*

Section 3. All writs and every summons, process, recognizance, information, motion and proceeding or requirements of every kind and nature, in the circuit court of any of the said counties to be heard or made returnable on the first day of any term of court in said counties, as now fixed by law, and up to the time of the passage of this act, shall be considered and held to be returnable and to be heard and determined as of the next term of court, as herein fixed, the same as of the term or terms heretofore fixed. *Sec. 2, L. 1901.*

SEVENTEENTH CIRCUIT.

JUDGE—JAMES O'NEILL, NEILLSVILLE.

Term ends on the day preceding the first Monday of January, 1910.

COUNTIES.	TERMS.	WHERE HELD.	LAWS.
Clark	3d Monday in April..... } 4th Monday in November.... }	Neillsville	Sec. 1, ch. 221, L. 1903
Eau Claire....	3d Monday in March..... } 3d Monday in September.... }	Eau Claire.....	Sec. 1, ch. 103, L. 1903
Jackson.....	1st Monday in March..... } 2d Monday in October..... }	Black River Falls	Sec. 1, ch. 221, L. 1903

* There shall also be held in the county of Eau Claire, on the second Monday in June, a special term for said circuit, but no jury shall be drawn for such term. *Chap. 221, Laws of 1903.*

CIRCUIT COURT REPORTERS.

No. of circuit.	Name.	P. O. address.
1	Charles H. Welch.....	Milwaukee.
2	H. D. Goodwin, for Judge Warren D. Tarrant.....	Milwaukee.
2	Richard Burke for Judge L. W. Halsey.....	Milwaukee.
2	Chester G. Porter, for Judge Orren T. Williams.....	Wauwatosa;
3	William C. Kimball.....	Oshkosh.
4	H. A. Bush.....	Fond du Lac.
5	Charles Orton.....	Lancaster.
6	Alfred Harrison.....	La Crosse.
7	R. W. Morse.....	Grand Rapids.
8	Charles A. Cross.....	Hudson.
9	Edward H. Smith.....	Madison.
10	F. S. Bradford.....	Appleton.
11	T. H. Wolford.....	Superior.
12	F. C. Grant.....	Janesville.
13	J. H. Sawyer.....	Beaver Dam.
14	James T. Parkes.....	Green Bay.
15	E. A. Strong.....	Ashland.
16	George Hart.....	Wausau.
17	Charles W. Fiske.....	Eau Claire.

CIRCUIT COURT COMMISSIONERS.

In the several counties, appointed by the Circuit Judges, as reported by the clerks of the Circuit Courts, July 1, A. D. 1903. The county judges of all counties, also have the powers of court commissioners.

ADAMS COUNTY.		COLUMBIA COUNTY.	
George W. Waterman.....	Friendship	N. E. Van Dyke	Kilbourn
Henry J. Dartt	Friendship	W. C. Lettsch	Columbus
L. A. Wightman	Friendship	G. C. Grism	Columbus
C. R. Sicles	Friendship	Chas. L. Dering	Portage
ASHLAND COUNTY.		S. H. Watson	Leah
Charles Brisley	Ashland	CRAWFORD COUNTY.	
Ben. S. Smith	Ashland	Wm. H. Evans	Prairie du Chien
G. N. Risjord	Ashland	Alexander Athey	Prairie du Chien
W. Stanley Smith	Glidden	J. N. Kast	Belle Centre
BARRON COUNTY.		N. O. Peterson	Soldiers Grove
Fred B. Kinsley	Barron	DANE COUNTY.	
James Robbins	Rice Lake	C. E. Buel	Madison
L. L. Constance	Rice Lake	Chas. N. Brown	Madison
A. A. Anderson	Cumberland	Rufus B. Smith	Madison
BAYFIELD COUNTY.		Herman Pfund	Madison
O. Flanders	Bayfield	J. C. Harper	Madison
Ernest Sauve	Iron River	Harry L. Butler	Madison
Arthur R. Mead	Iron River	DODGE COUNTY.	
D. M. Maxcy	Washburn	Edward D. Doney	Waupun
Nels M. Oscar	Washburn	H. W. Lander	Beaver Dam
BROWN COUNTY.		F. M. Lawrence	Mayville
G. E. Matile	Green Bay	E. D. Doney	Waupun
P. C. Cady	Green Bay	Chas. A. Kading	Watertown
C. W. Lomas	Green Bay	DOOR COUNTY.	
L. F. Parker	De Pere	G. W. Allen	Sturgeon Bay
John F. Watermolen	Green Bay	C. A. Masse	Sturgeon Bay
BUFFALO COUNTY.		DOUGLAS COUNTY.	
Theo. Buchler	Alma	Phillip H. Perkins	West Superior
E. F. Ganz	Alma	J. M. Reed	West Superior
M. L. Fugina	Fountain City	C. R. Fridley	West Superior
J. W. Whelan	Mondovi	George C. Cooper	West Superior
P. H. Urness	Mondovi	George B. Hudnall	Superior
BURNETT COUNTY.		W. E. Pickering	West Superior
F. O. Olsen	Grantsburg	DUNN COUNTY.	
CALUMET COUNTY.		J. R. Mathews	Menomonie
James Kirwan	Chilton	J. C. Ticknor	Menomonie
George C. Hume	Chilton	J. E. Florin	Menomonie
CHIPPEWA COUNTY.		P. B. Clark	Menomonie
Arthur Gough	Chippewa Falls	George Shafer	Menomonie
L. J. Rusk	Chippewa Falls	EAU CLAIRE COUNTY.	
F. W. Jenkins	Chippewa Falls	W. W. Johnston	Augusta
W. R. Hoyt	Chippewa Falls	M. B. Hubbard	Eau Claire
CLARK COUNTY.		Alexander Meggett	Eau Claire
R. F. Kountz	Neillsville	George C. Teall	Eau Claire
Charles E. Grow	Neillsville	F. D. Whitford	Eau Claire
J. R. Studavant	Neillsville	A. H. Shoemaker	Eau Claire
D. R. Freeman	Colby	FLORENCE COUNTY.	
B. M. Fellmer	Loyal	W. C. Haberkorn	Florence
George Burke	Thorp	J. E. Parry	Florence
		E. W. Hopkins	Commonwealth

COURT COMMISSIONERS

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CIRCUIT COURT COM MISSIONERS—Continued.

FOND DU LAC COUNTY.		JEFFERSON COUNTY.	
H. F. Rose	Fond du Lac	E. A. Wigdale	Ft. Atkinson
L. D. Sutherland	Fond du Lac	W. H. Porter	Jefferson
T. J. Hoey	Fond du Lac	O. C. Hahn	Watertown
J. M. Gouling	Fond du Lac	Chas. A. Skinner	Watertown
R. L. Oliver	Waupun	H. T. Ames	Waterloo
A. E. Dunlap	Atipon		
FOREST COUNTY.		JUNEAU COUNTY.	
P. Shay	Armstrong Creek	H. W. Barney	Mauston
John Masbaum	North Crandon	T. K. Dunn	Ilroy
L. W. Bliss	Crandon	Geo. S. Grubb	Mauston
W. A. Wescott	Crandon	J. J. Hughes	New Lisbon
		N. M. Hess	New Lisbon
		A. D. Gill	Mauston
GRANT COUNTY.		KENOSHA COUNTY.	
W. J. Brennan	Lancaster	James Cavanaugh	Kenosha
Herman Buchner	Lancaster	Myron A. Baker	Kenosha
W. E. Howe	Boscobel	Henry J. Hastings	Kenosha
J. W. Murphy	Platteville	Gerald R. McDowell	Kenosha
W. H. Beebe	Platteville	John C. Slater	Kenosha
Matt Whitman	Boscobel		
GREEN COUNTY.		KEWAUNEE COUNTY.	
Thomas Luchsinger	Monroe	Frank Kwapll	Algoma
H. N. B. Caradine	Monroe	J. H. McGowan	Algoma
Willard T. Saucerman	Monroe	A. D. Laughlin	Kewaunee
John Luchsinger	Monroe	L. Albert Karel	Kewaunee
C. W. Carpenter	Monroe	Jas. F. Valecka	Kewaunee
GREEN LAKE COUNTY.		LA CROSSE COUNTY.	
John C. McConnell	Dartford	C. L. Hood	La Crosse
John J. Wood, Jr.	Berlin	John A. Daniels	La Crosse
Perry Niskern	Berlin	P. W. Mahoney	La Crosse
Fred Engelbracht, Jr.	Berlin	T. J. Widvey	La Crosse
Edward Harroune	Princeton	A. Harrison	La Crosse
		G. C. Prentiss	La Crosse
GATES COUNTY.		LAFAYETTE COUNTY.	
L. J. Bishel	Ladysmith	P. H. Conley	Darlington
J. W. Fritz	Ladysmith	G. A. Marshall	Darlington
Marshall Seargent	Ladysmith	J. H. Clary	Darlington
R. J. Sands	Ladysmith	M. A. O'Brien	Shullsburg
J. C. Stubbs	Weyerhauser	John W. Blackstone	Shullsburg
H. W. True	Glen Flora	H. C. Martin	Darlington
Gunn H. Williams	Bruce		
IOWA COUNTY.		LANGLADE COUNTY.	
Calvert Spensley	Mineral Point	Geo. W. Latta	Antigo
Ernest C. Fiedler	Mineral Point	C. Werden Deane	Antigo
J. P. Smelker	Dodgeville	T. W. Hogan	Antigo
Richard Carter	Dodgeville	W. F. White	Antigo
J. J. Hoskins	Dodgeville	Jno. E. Martin	Antigo
IRON COUNTY.		LINCOLN COUNTY.	
James Blackburn	Hurley	E. M. Smart	Merrill
Daniel Reed	Hurley	M. C. Porter	Merrill
J. B. Anderson	Upsen	A. A. Helms	Merrill
J. A. Chiono	Hurley	T. J. Mathews	Merrill
		G. M. Sheldon	Tomahawk
		Thomas H. Ryan	Merrill
JACKSON COUNTY.		MANITOWOC COUNTY.	
Ralph C. Pope	Black River Falls	G. G. Sedgwick	Manitowoc
Frank Johnson	Black River Falls	H. L. Markham	Manitowoc
Chas. F. Hille	Black River Falls	J. S. Anderson	Manitowoc
T. J. Reichenach	Black River Falls	John Chloupek	Manitowoc
R. A. Jones	Black River Falls	W. J. Wrieth	Two Rivers
Edwin Pierce	Merrillan	R. W. Burke	Manitowoc
		L. J. Nash	Manitowoc

CIRCUIT COURT COMMISSIONERS—Continued.

MARATHON COUNTY.		PEPIN COUNTY.	
M. B. Rosenberry	Wausau	Fred Stahl	Pepin
Otto Krueger	Wausau	C. M. Hillard	Dundas
C. H. Mueller	Wausau	J. J. Morgan	Dundas
Louis Marchetti	Wausau	J. D. Eldridge	Dundas
W. B. Richardson	Mosinee	A. V. Hammond	Dundas
Joseph Conway	Mosinee		
MARINETTE COUNTY.		PIERCE COUNTY.	
H. M. Bird	Marinette	W. G. Spence	Spring Valley
Amos Holgate	Marinette	John Foley	Ellsworth
H. T. Scudder	Marinette	Daniel J. Dill	Prescott
C. C. Dally	Marinette		
R. H. Goldman	Marinette		
Thos. Butler	Wausaukee		
MARQUETTE COUNTY.		POLK COUNTY.	
John Barry	Montello	Henry B. Dike	Oscoda
F. J. Dodge	Mont-Uo	Harry D. Baker	St. Croix
		James F. Kavanagh	Clear Lake
		W. W. Winchester	Amity
		C. S. Roberts	Balsam Lake
MILWAUKEE COUNTY.		PORTAGE COUNTY.	
Hugh Ryan	Milwaukee	A. P. Een	Amberst
John F. Harper	Milwaukee	Daniel J. Leahy	Stevens Point
W. J. McElroy	Milwaukee	G. L. Park	Stevens Point
Mrs. Kate Pier	Milwaukee	A. J. Smith	Amberst
J. E. Roehr	Milwaukee		
Fred Scheiber	Milwaukee		
Francis Bloodgood	Milwaukee		
G. W. Hazelton	Milwaukee		
M. M. Riley	Milwaukee		
E. E. Chapin	Milwaukee		
Gustav Wollaefer, Jr.	Milwaukee		
Adolph Kanneberg	Milwaukee		
MONROE COUNTY.		PRICE COUNTY.	
H. C. Spaulding	Tomah	G. W. Chamberlain	Phillips
Chris. Maxwell	Tomah	Freeman W. Sackett	Phillips
Wm. B. Naylor, Jr.	Tomah	G. D. Myers	Phillips
S. W. Button	Sparta	Richard E. Smith	Phillips
Ray B. Graves	Sparta		
James J. Bowler	Sparta		
OCONTO COUNTY.		RACINE COUNTY.	
Francis X. Morrow	Oconto	John T. Wentworth	Racine
A. Reinhart	Oconto	A. Cary Judd	Racine
D. G. Classon	Oconto	Wm. D. Thompson	Racine
L. S. Bailey	Oconto	R. L. Upchurch	Racine
George Crawford	Gillett	Francis Reuschlich	Burlington
A. V. Classon	Oconto	Fulton Thompson	Racine
ONEIDA COUNTY.		RICHLAND COUNTY.	
Barnum, M. H.	Hazellhurst	Michael Murphy	Richland Center
Billings, Levi J.	Rhineland	James H. Miner	Richland Center
Browne, Paul, Municipal Judge,	Rhineland	K. W. Eastland	Richland Center
	Rhineland	F. W. Burnham	Richland Center
Carr, Wm. W.	Rhineland	George Wulfig	Richland Center
Shelton, A. W.	Rhineland	P. L. Lincoln	Richland Center
OUTAGAMIE COUNTY.		ROCK COUNTY.	
Samuel Boyd	Appleton	M. P. Richardson	Janesville
Orlando E. Clark	Appleton	Ed. F. Carpenter	Janesville
D. J. Brothers	Kaukauna	L. E. Patten	Janesville
Louis Jacquot	Hortonville	J. P. Towne	Edgemoor
F. R. Dittmer	Seymour	J. B. Dow	Edgemoor
Frank W. Harlman	Appleton	O. A. Oestreich	Janesville
OZAUKEE COUNTY.		ST. CROIX COUNTY.	
Eugene S. Turner	Port Washington	Harry H. Smith	New Richmond
Lathar Sauer	Port Washington	H. C. Fickes	Glenwood
Wm. A. Tholen	Port Washington	John W. Bashford	Hudson
		S. J. Bradford	Hudson
		Henry Anderson	Balsam Lake
		A. Cross	Hudson
		SAUK COUNTY.	
		E. F. Dithmar	Bardsley
		H. N. Winchester	Reedsburg
		W. A. Wyse	Reedsburg
		H. F. Halsted	Bardsley

CIRCUIT COURT COMMISSIONERS—Continued.

SAWYER COUNTY.		WALWORTH COUNTY.	
George Herrington	Hayward	H. W. Weed	Delavan
W. H. Marquette	Hayward	E. L. von Suessmilch	Delavan
Otto Christianson	Hayward	A. Clohisy	Elkhorn
N. D. Rodman	Hayward	F. H. Kiser	Whitewater
W. Alexander	Hayward	L. G. Brown	Lake Geneva
F. L. McNamara	Hayward	A. M. Kaye	Lake Geneva
SHAWANO COUNTY.		WASHBURN COUNTY.	
H. Klosterman	Shawano	P. E. Leonard	Shell Lake
O. Andrews	Shawano	C. W. Haskins	Spooner
Frank Williams	Wittenberg	WASHINGTON COUNTY.	
C. F. Dillett	Shawano	Fred H. Haase	West Bend
L. C. Bold	Shawano	C. E. Robinson	West Bend
SHEBOYGAN COUNTY.		WAUKESHA COUNTY.	
D. T. Phalen	Sheboygan	D. J. Hemlock	Waukesha
Francis Williams	Sheboygan	Ernst Merton	Waukesha
A. C. Prescott	Sheboygan	T. W. Parkinson	Waukesha
H. J. Rooney	Plymouth	A. J. Dopp	Waukesha
John E. Thomas	Sheboygan Falls	Edwin Hurlbut	Oconomowoc
Paul T. Krez	Sheboygan	Oscar F. Jones	Oconomowoc
TAYLOR COUNTY.		WAUPACA COUNTY.	
J. W. Cochran	Medford	Jas. McNell	Clintouville
J. B. Hagarty	Medford	Charles Churchill	Waupaca
T. G. Jeffers	Medford	R. F. Taggart	Weyauwega
Clinton Textor	Medford	Charles A. Holmes	New London
Wm. Pringle	Rib Lake	WAUSHARA COUNTY.	
K. J. Urquhart	Medford	W. B. Angelo	Plainfield
TREMPEALEAU COUNTY.		W. N. Kelley	Plainfield
A. A. Arnold	Galesville	John H. Thomas	Berlin
J. A. Ralney	Arcadia	Gilbert Tennant	Wautoma
W. H. Gibson	Centerville	R. W. Hubble	Wautoma
James N. Lee	Osseo	Buchanan Johnson	Plainfield
VERNON COUNTY.		WINNEBAGO COUNTY.	
Alva F. Drew	Lafarge	Wesley Mott	Ncenah
Jackson Silbaugh	Viroqua	Wm. C. Bouch	Oshkosh
C. H. Minshall	Viroqua	W. W. Waterhouse	Oshkosh
C. M. Butt	Viroqua	John Harrington	Oshkosh
C. M. Butt, Jr.	Viroqua	Daniel, E. McDonald	Oshkosh
Roger Williams	Hillsboro	WOOD COUNTY.	
VILAS COUNTY.		B. M. Vaughan	Grand Rapids
Frank Bendsley	Eagle River	D. D. Conway	Grand Rapids
Jonas Radcliffe	Minoqua	Richard Wiperman	Grand Rapids
A. G. Bolger	Minoqua	E. M. Deming	Marshfield
		R. E. Andrews	Marshfield

STATUTES OF 1898, AMENDED BY LAWS OF 1899-1901-1903.

Sections of Statutes.	Amending Laws.
5-2 }	Sec. 1, ch. 303, 1903.
5-26 }	
5 Par. 9	Ch. 469, 1901.
9	Sec. 1, ch. 398, 1901.
10	Sec. 1, ch. 309, 1901.
11	Ch. 164, 1901.
11a-11i	Repealed, sec. 12, ch. 311, 1899; (exceptions), sec. 1, ch. 334, 1903.
16	Sec. 1, ch. 351, 1899; sec. 1, ch. 333, 1901.
18	Sec. 1, ch. 132, 1903.
21	Sec. 1, ch. 96, 1899; sec. 1, ch. 408, 1903.
23	Sec. 1, ch. 420, 1903.
25	Sec. 1, ch. 381, 1903.
26	Ch. 393, 1901.
36	Ch. 457, 1901.
37	Section 1, ch. 349, 1899; sec. 3, ch. 351, 1899; sec. 2, ch. 457, 1901.
38	Sec. 2, ch. 349, 1899; sec. 4, ch. 351, 1899; sec. 3, ch. 457, 1901.
40	Sec. 3, ch. 349, 1899; sec. 4, ch. 457, 1901.
47	Sec. 1, ch. 423, 1903.
47	Sec. 12, ch. 451, 1903.
49	Sec. 1, ch. 72, 1899; sec. 2, ch. 404, 1901.
51	Sec. 4, ch. 349, 1899.
52	Sec. 5, ch. 349, 1899.
57--1	Sec. 6, ch. 349, 1899.
57--3	Sec. 7, ch. 349, 1899.
78	Sec. 1, ch. 148, 1901.
79	Sec. 1, ch. 148, 1901.
85	Sec. 1, ch. 3, 1899.
91	Sec. 1, ch. 198, 1903.
94*	Sec. 1, ch. 7, 1899; sec. 4, ch. 10, 1903.
94†	Sec. 1, ch. 47, 1899.
111a	Sec. 1, ch. 3, 1901; ch. 438, 1901.
112	Sec. 2, ch. 3, 1901; ch. 433, 1901.
119	Sec. 1, ch. 405, 1901.
120	Sec. 2, ch. 405, 1901.
121	Sec. 1, ch. 291, 1899; sec. 1, ch. 334, 1901; sec. 3, ch. 405, 1901.
140	Sec. 5, ch. 351, 1899.
153	Sec. 1, ch. 101, 1903.
158	Sec. 1, ch. 400, 1901.
160a	Sec. 1, ch. 233, 1903.
160b	Sec. 1, ch. 233, 1903.
160c	Sec. 1, ch. 233, 1903.
160e	Sec. 1, ch. 233, 1903.
160f	Sec. 1, ch. 346, 1901.
163	Sec. 1, ch. 94, 1901.
166-9	Sec. 1, ch. 59, 1899.
169a	Repealed, sec. 4, ch. 418, 1901.
169b	Sec. 1, ch. 290, 1899.
170	Sec. 1, ch. 249, 1899; secs. 1 and 2, ch. 299, 1899; sec. 5, ch. 258, 1899; sec. 1, ch. 138, 1901; sec. 1, ch. 158, 1901; sec. 3, ch. 418, 1901; sec. 2, ch. 432, 1901; sec. 1, ch. 327, 1903.

STATUTES OF 1893, AMENDED BY LAWS OF 1899-1901-1903.

Sections of Statutes.	Amending Laws.
171	Sec. 1, ch. 107, 1899.
172	Sec. 6, ch. 351, 1899.
176	Repealed sec. 2, ch. 356, 1899; re-enacted section 1, ch. 41, 1901.
186	Sec. 1, ch. 258, 1899; sec. 3, ch. 432, 1901.
187	Sec. 2, ch. 258, 1899; sec. 4, ch. 432, 1901.
189	Sec. 3, ch. 258, 1899; sec. 5, ch. 432, 1901.
207	Sec. 13, ch. 450, 1903.
208	Sec. 14, ch. 450, 1903.
209	Sec. 15, ch. 450, 1903.
210	Sec. 16, ch. 450, 1903.
212	Sec. 4, ch. 258, 1899; sec. 6, ch. 432, 1901.
238	Sec. 7, ch. 432, 1901.
253-2	Sec. 1, ch. 129, 1899.
258a	Sec. 1, ch. 130, 1899.
258i	New section, sec. 2, ch. 130, 1899.
261	Sec. 2, ch. 129, 1899; sec. 1, ch. 123, 1901.
288	Sec. 1, ch. 418, 1901.
289	Sec. 1, ch. 35, 1899.
290	Sec. 1, ch. 21, 1903.
305	Sec. 7, ch. 351, 1899.
316	Sec. 1, ch. 92, 1903.
317	Sec. 8, ch. 351, 1899; sec. 1, ch. 92, 1903.
319	Sec. 2, ch. 94, 1901; sec. 2, ch. 161, 1901; sec. 1, ch. 312, 1903; sec. 1, ch. 332, 1903.
335c	Sec. 2, ch. 94, 1901.
335d	Sec. 1, ch. 355, 1903.
335e	Sec. 1, ch. 314, 1899; sec. 1, ch. 339, 1901; sec. 1, ch. 39, 1903.
341	Sec. 1, ch. 197, 1901.
346	Sec. 1, ch. 226, 1901.
347b	Sec. 1, ch. 118, 1901.
354	Sec. 1, ch. 312, 1903.
355	Sec. 9, ch. 351, 1899; sec. 1, ch. 331, 1901.
355-3	Created, sec. 10, ch. 351, 1899.
357	Sec. 1, ch. 331, 1901.
373c-i	New sections, ch. 168, 1901.
376-8	Sec. 3, ch. 296, 1899.
378	Sec. 1, ch. 255, 1901; sec. 1, ch. 66, 1903.
379	Sec. 1, ch. 260, 1903.
383a	Sec. 2, ch. 260, 1903.
388	Sec. 1, ch. 344, 1901.
390	Sec. 1, ch. 170, 1899; sec. 1, ch. 322, 1901.
393	Sec. 1, ch. 74, 1899; sec. 1, ch. 260, 1899; sec. 1, ch. 166, 1901.
399	Sec. 3, ch. 260, 1903.
406a	Sec. 2, ch. 170, 1899; sec. 1, ch. 370, 1901; sec. 1, ch. 135, 1903.
408	Sec. 1, ch. 179, 1899; sec. 1, ch. 371, 1901.
419	Sec. 1, ch. 266, 1903.
419a	Sec. 1, ch. 348, 1901; sec. 1, ch. 218, 1903.
422	Sec. 1, ch. 304, 1901.
428	Sec. 1, ch. 233, 1899.

STATUTES OF 1898, AMENDED BY LAWS OF 1899-1901-1903.

Sections of Statutes.	Amending Laws.
428 <i>a</i>	Sec. 2, ch. 233, 1899; sec. 1, ch. 285, 1901.
430-15	Sec. 1, ch. 351, 1901.
430-16	Sec. 2, ch. 351, 1901.
430 <i>a</i>	Sec. 3, ch. 439, 1903.
430 <i>c</i>	Created, sec. 1, ch. 293, 1899.
430 <i>d</i>	Sec. 2, ch. 298, 1899.
439 <i>a</i>	Sec. 1, ch. 251, 1901; sec. 1, ch. 189, 1903.
439 <i>b</i>	Sec. 1, ch. 189, 1903.
439 <i>c</i>	Repealed, sec. 1, ch. 189, 1903.
450	Sec. 1, ch. 439, 1901.
450 <i>a</i>	New section, sec. 2, ch. 439, 1901.
450 <i>b</i>	New section, sec. 3, ch. 439, 1901.
450 <i>c</i>	New section, sec. 4, ch. 439, 1901.
451	Sec. 5, ch. 439, 1901.
452	Sec. 6, ch. 439, 1901.
452 <i>a</i>	Sec. 7, ch. 439, 1901.
452 <i>b</i>	New section, sec. 1, ch. 101, 1899.
458 <i>c</i>	Sec. 1, ch. 237, 1899.
458 <i>h</i>	Sec. 1, ch. 171, 1901.
459	Sec. 1, ch. 326, 1903.
461-8	Sec. 1, ch. 290, 1901.
461 <i>d</i>	Sec. 1, ch. 52, 1901.
463-4	Sec. 1, ch. 119, 1901.
486 <i>a</i>	Sec. 1, ch. 272, 1899.
491	Sec. 1, ch. 57, 1899. Sec. 1, ch. 345, 1903.
491 <i>a</i>	Sec. 1, ch. 345, 1901.
491 <i>b</i>	Sec. 2, ch. 345, 1901.
492	Sec. 2, ch. 345, 1903.
492 <i>a</i>	New section, sec. 1, ch. 253, 1901.
494 <i>a</i>	sec. 1, ch. 284, 1899.
495	Sec. 1, ch. 342, 1901.
496	Sec. 1, ch. 214, 1899; sec. 3; ch. 345, 1901.
496 <i>a</i>	Sec. 8, ch. 439, 1901.
496 <i>c</i>	Sec. 1, ch. 273, 1899.
497 <i>a</i>	New section, sec. 1, ch. 184, 1901.
521	Sec. 2, ch. 416, 1901.
523	Sec. 1, ch. 160, 1901.
524	Sec. 3, ch. 351, 1901.
526	Sec. 4, ch. 351, 1901.
541	Sec. 1, ch. 416, 1901.
554	Sec. 1, ch. 115, 1899; sec. 4, ch. 313, 1903.
554 <i>a</i>	New section, sec. 313, 1903.
558	Sec. 1, ch. 450, 1901.
562 <i>a</i>	Sec. 1, ch. 403, 1901.
564	Sec. 1, ch. 226, 1899.
Ch. 30 <i>a</i>	Extended, ch. 109, 1901.
573	Sec. 1, ch. 223, 1901.
578	Sec. 1, ch. 86, 1903.
579 <i>a</i>	New section, sec. 1, ch. 422, 1901.
585 <i>c</i>	Sec. 1, ch. 65, 1901.
585 <i>d</i>	Sec. 1, ch. 16, 1903.
587	Sec. 1, ch. 163, 1901.

STATUTES OF 1898, AMENDED BY LAWS OF 1899-1901-1903.

Sections of Statutes.	Amending Laws.
587c	Sec. 1, ch. 327, 1899; sec. 1, ch. 77, 1901.
595	Sec. 1, ch. 367, 1901.
604a	Sec. 1, ch. 73, 1899.
604h	Sec. 1, ch. 250, 1903.
604s	Sec. 1, ch. 150, 1899.
609	Sec. 1, ch. 228, 1899.
Ch. 34	Repealed, sec. 45, ch. 200, 1899. See ch. 228, 1901.
630	Sec. 2, ch. 418, 1901.
667a	Ch. 110, 1903.
670	Sec. 11, ch. 351, 1899.
671a	Created, sec. 1, ch. 253, 1899.
685	Sec. 12, ch. 351, 1899.
690	Ch. 89, 1903.
693	Sec. 1, ch. 358, 1903.
696	Sec. 1, ch. 153, 1901.
698	Sec. 1, ch. 307, 1903.
701	Sec. 2, ch. 3, 1899.
702	Sec. 1, ch. 376, 1903.
702a	Sec. 14, ch. 351, 1899.
706	Sec. 1, ch. 155, 1899; sec. 1, ch. 57, 1901.
711	Sec. 2, ch. 155, 1899.
717	Sec. 2, ch. 358, 1903.
731	Sec. 15, ch. 351, 1899.
750	Sec. 1, ch. 283, 1903.
751	Sec. 1, ch. 134, 1903.
764	Sec. 1, ch. 105, 1903.
764a	Sec. 1, ch. 278, 1899.
771	Sec. 1, ch. 213, 1901.
776	Sec. 1, ch. 325, 1899; sec. 2, ch. 439, 1903.
783	Sec. 1, ch. 86, 1899.
789	Sec. 1, ch. 309, 1903.
796	Sec. 1, ch. 402, 1901.
808	Sec. 1, ch. 97, 1899.
819	Sec. 1, ch. 302, 1901.
823	Sec. 1, ch. 85, 1899, sec. 2, ch. 325, 1899.
827a	New section, sec. 1, ch. 449, 1901.
840	Sec. 1, ch. 335, 1899.
843	Sec. 16, ch. 351, 1899.
845	Sec. 2, ch. 97, 1899.
846-1	Sec. 1, ch. 78, 1901.
888	Sec. 17, ch. 551, 1899.
919a	Sec. 2, ch. 169, 1903.
919d	Sec. 3, ch. 169, 1903.
919e	Sec. 1, ch. 60, 1903, ch. 87, 1903.
919e ^c	Sec. 1, ch. 60, 1903.
925d	Sec. 1, ch. 284, 1899.
925d	New section, sec. 1, ch. 213, 1903.
925i	Ch. 213, 1903.
925-14	Sec. 1, ch. 36, 1901.
925-21a	Sec. 1, ch. 149, 1903.
925-23	Sec. 1, ch. 60, 1901.
925-25	Sec. 2, ch. 60, 1901.

STATUTES OF 1898, AMENDED BY LAWS OF 1899-1901-1903.

Section of Statutes.	Amending Laws.
925-52-29	Sec. 1, ch. 169, 1901.
925-52-55	Ch. 99, 1903.
925-52-66	Sec. 1, ch. 61, 1899.
925-58	Sec. 1, ch. 127, 1899.
925-62 <i>a</i>	New section, sec. 1, ch. 84, 1899.
925-67	Sec. 1, ch. 41, 1903.
925-95	Sec. 1, ch. 135, 1901.
925-95 <i>a</i>	Sec. 2, ch. 135, 1901.
925-99 <i>a</i>	New section, sec. 1, ch. 362, 1901.
925-99 <i>b</i>	New section, sec. 1, ch. 332, 1901.
925-105	Sec. 2, ch. 332, 1901.
925-113	Sec. 1, ch. 287, 1899.
925-118 <i>a</i>	Sec. 1, ch. 127, 1903.
925-119	Sec. 1, ch. 186, 1899.
925-133-7	Sec. 1, ch. 277, 1903, sec. 1, ch. 427, 1903.
925-133-8	Ch. 428, 1903.
925-136	Sec. 1, ch. 211, 1899.
925-139	Sec. 1, ch. 201, 1903.
925-142	Sec. 2, ch. 186, 1899.
925-142 <i>a</i>	Sec. 1, ch. 262, 1899.
925-143	Sec. 1, ch. 196, 1901.
925-147	Sec. 1, ch. 195, 1901.
925-152	Sec. 1, ch. 194, 1901.
925-176	Sec. 925-176 <i>a</i> , ch. 108, 1903.
925-186	Sec. 1, ch. 88, 1903.
925-193	Sec. 1, ch. 132, 1899.
925-204	Sec. 1, ch. 173, 1899.
925-205	Sec. 2, ch. 173, 1899.
925-205 <i>a</i>	New section, sec. 1, ch. 20, 1899.
925-216	Sec. 1, ch. 215, 1901.
925-218	Sec. 2, ch. 215, 1901.
925-220	Sec. 3 ch. 215, 1901.
925-259	Sec. 1, ch. 272, 1901.
925-269 1	Sec. 1, ch. 102, 1903.
926	Sec. 1, ch. 51, 1899.
926-11	Sec. 1, ch. 228, 1903; sub. ch. 428, 1903.
926-2	Sec. 1, ch. 207, 1903.
927	Sec. 1, ch. 169, 1903.
927-24	New section, sec. 1, ch. 174, 1901.
930 <i>a</i> 1	New section, sec. 1, ch. 61, 1901.
930 <i>b</i> 1	
931	Sec. 1, ch. 89, 1899; sec. 1, ch. 203, 1901. sec. 1, ch. 32, 1903.
931 <i>a</i>	New section, sec. 1, ch. 310, 1901.
931 <i>b</i>	New section, sec. 1, ch. 404, 1903.
932	Sec. 1, ch. 98, 1901.
933	Sec. 2, ch. 310, 1901.
934	Sec. 1, ch. 139, 1899; sec. 1, ch. 265, 1901.
935	Sec. 1, ch. 96, 1901.
936 <i>a</i>	New section, sec. 1, ch. 293, 1903.
942	Sec. 1, ch. 309, 1899.
942 <i>a</i>	New section, sec. 1, ch. 309, 1899.
942 <i>c</i>	New section, sec. 1, ch. 9, 1903.

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Sections of Statutes.	Amending Laws.
943	Sec. 1, ch. 312, 1903.
943	Sec. 1, ch. 74, 1901.
959-8	Sec. 18, ch. 351, 1899.
959-30	Sec. 1, ch. 363, 1903.
959-41	Sec. 1, ch. 178, 1899.
959-44	Sec. 2, ch. 178, 1899.
959-45	Sec. 3, ch. 178, 1899.
959-70	Ch. 150, 1903.
1007	Sec. 1, ch. 373, 1903.
1010	Sec. 1, ch. 210, 1899; sec. 1, ch. 39, 1903.
1010 <i>a</i>	New sections, sec. 1, ch. 303, 1899.
1010 <i>b</i>	
1010 <i>c</i>	
1010 <i>d</i>	
1012 <i>h</i>	Sec. 1, ch. 357, 1903.
1021 <i>f</i>	Sec. 1, ch. 158, 1899.
1023 <i>a</i>	Sec. 1, ch. 250, 1899; sec. 1, ch. 415, 1903.
1024	Sec. 2, ch. 415, 1903.
1024 <i>a</i>	Ch. 384, 1903.
1024 <i>b</i>	Sec. 1, ch. 83, 1901; sec. 3, ch. 415, 1903.
1024 <i>c</i>	Repealed, sec. 2, chap. 250, 1899.
1032	Sec. 1, ch. 171, 1899.
1036	Sec. 1, ch. 346, 1899.
1037 <i>a</i>	Sec. 1, ch. 283, 1899.
1038-11	Ch. 292, 1903.
1038-11 <i>a</i>	New sub. ch. 246, 1903.
1038-2	Ch. 91, 1903, sec. 1, ch. 292, 1903.
1038-20	Repealed, sec. 1, ch. 95, 1899.
1038-30	Repealed, sec. 1, ch. 392, 1901.
1040	Sec. 2, chap. 346, 1899; sec. 1, chap. 191, 1901; sec. 1, chap. 417, 1903.
1042	Sec. 1, ch. 72, 1903.
1042 <i>a</i>	Repealed, sec. 1, ch. 303, 1899.
1044	Sec. 1, ch. 229, 1899; sec. 2, ch. 417, 1903.
1044 <i>a</i>	New section, sec. 2, ch. 417, 1903.
1044 <i>b</i>	
1044 <i>c</i>	
1044 <i>d</i>	
1045	Sec. 2, ch. 302, 1901.
1051	Sec. 4, ch. 72, 1903.
1052	Sec. 1, ch. 92, 1901.
1056	Sec. 1, ch. 284, 1903.
1057	Sec. 6, ch. 72, 1903.
1058	Sec. 19, ch. 351, 1899; repealed, sec. 1, ch. 323, 1899; restored, sec. 1, ch. 389, 1901.
1059	Sec. 1, ch. 50, 1899.
1061	Sec. 2, ch. 284, 1903.
1069	Repealed, sec. 6, ch. 237, 1901.
1072	Sec. 1, ch. 313, 1903.
1072 <i>a</i>	Sec. 20, ch. 351, 1899; sec. 1, ch. 313, 1903.
1072 <i>b</i>	New section, sec. 313, 1903.
1074	Sec. 1, ch. 439, 1903.
1077 <i>aa</i>	New section, sec. 1, ch. 10, 1901.

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Sections of Statutes.	Amending Laws.
1078	Sec. 3, ch. 302, 1901.
1081	Sec. 2, ch. 335, 1899; sec. 1, ch. 374, 1901.
1083	Sec. 3, ch. 335, 1899.
1087a	New section, sec. 13, ch. 351, 1899.
1088	Sec. 1, ch. 190, 1901.
1089	Sec. 4, ch. 335, 1899.
1090	Sec. 5, ch. 335, 1899.
1102-3	Sec. 1, ch. 377, 1903.
1107a	Ch. 380, 1903.
1108	Repealed, sec. 6, ch. 335, 1899.
1109	
1110	Sec. 7, ch. 335, 1899.
1121	Sec. 1, ch. 161, 1899; sec. 8, ch. 335, 1899.
1181	Sec. 1, ch. 337, 1899.
1184	New section, sec. 1, ch. 44, 1901.
1189a	Sec. 21, ch. 351, 1899.
1210d	Sec. 1, ch. 9, 1901; sec. 1, ch. 19, 1901; sec. 1, ch. 276, 1903.
1210e	Sec. 1, ch. 354, 1903.
1210h	Sec. 1, ch. 357, 1903.
1211	Sec. 2, ch. 308, 1899; sec. 1, ch. 417, 1901.
1212	Sec. 4, ch. 303, 1899.
1220	Sec. 1, ch. 326, 1899, ch. 21, 1901.
1222c	Sec. 1, ch. 354, 1899.
1222d	Sec. 2, ch. 354, 1899.
1222e	Sec. 3, ch. 354, 1899; sec. 1, ch. 197, 1903.
1222e-l	New section, sec. 4, ch. 354, 1899.
1223-2	Sec. 1, ch. 83, 1899.
1223a	New section, sec. 2, ch. 83, 1899.
1258	Sec. 1, ch. 311, 1903.
1263	Sec. 1, ch. 140, 1899.
1265	Sec. 1, ch. 383, 1901.
1275b	New section, sec. 1, ch. 287, 1903.
1291	Sec. 1, ch. 257, 1899.
1299i	Sec. 1, ch. 23, 1903.
1319	Sec. 1, ch. 225, 1903.
1321b	New sections, sec. 1, ch. 430, 1901
1321a	
1337	Sec. 1, ch. 219, 1901.
1339	Sec. 1, ch. 305, 1899.
1346a	Sec. 1, ch. 278, 1901.
1346b	New section, sec. 2, ch. 278, 1901.
1347b	Sec. 1, ch. 197, 1899; sec. 1, ch. 424, 1903.
1354a	New section, sec. 1, ch. 386, 1901.
1363	Sec. 1, ch. 318, 1901.
1379-11	Sec. 1, ch. 50, 1901; sec. 1, ch. 70, 1903.
1379-13	Sec. 1, ch. 43, 1901.
1379-14	Sec. 2, ch. 43, 1901.
1379-18a	New section, sec. 3, ch. 43, 1901.
1379-19	Sec. 4, ch. 43, 1901.
1379-21	Sec. 5, ch. 43, 1901.
1379-24	Sec. 6, ch. 43, 1901.

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Sections of Statutes.	Amending Laws.
1379-30	Sec. 7, ch. 43, 1901, ch. 116, 1903.
1407	Sec. 22, ch. 351, 1899.
1409 <i>d</i>	Sec. 1, ch. 340, 1901.
1409 <i>g</i>	Sec. 1, ch. 289, 1899.
1410	Ch. 144, 1903.
1410 <i>c</i>	
1410 <i>f</i>	
1410 <i>g</i>	
1410 <i>h</i>	Ch. 411, 1903.
1410 <i>i</i>	
1410 <i>j</i>	
1418	Sec. 1, ch. 369, 1903.
1421 <i>c</i>	Sec. 1, ch. 466, 1901.
1421 <i>d</i>	Sec. 2, ch. 466, 1901.
1421 <i>e</i>	Sec. 3, ch. 466, 1901.
1421 <i>g</i>	Sec. 4, ch. 466, 1901.
1421 <i>h</i>	Sec. 5, ch. 466, 1901.
1421 <i>j</i>	Sec. 6, 466, 1901.
1435 <i>b</i>	
1435 <i>c</i>	Sec. 1, ch. 306, 1901.
1437	Sec. 1, ch. 406, 1903.
1458 <i>a</i>	Sec. 1, ch. 48, 1899; sec. 1, ch. 82, 1901.
1458 <i>d</i>	Sec. 1, ch. 356, 1901.
1459	Sec. 1, ch. 320, 1901; sec. 1, ch. 259, 1903.
1459 <i>b</i>	Sec. 1, ch. 421, 1901.
1463	Sec. 1, ch. 274, 1901.
1480	Sec. 1, ch. 234, 1901; sec. 1, ch. 424, 1901.
1480 <i>a</i>	Sec. 1, ch. 51, 1901.
1480 <i>b</i>	Sec. 2, ch. 424, 1901.
1482	Sec. 1, ch. 14, 1903.
1492	Sec. 1, ch. 235, 1903.
1492 <i>a</i>	Sec. 1, ch. 215, 1903.
1492 <i>f</i>	Sec. 1, ch. 82, 1899.
1494 <i>f</i>	Sec. 1, ch. 188, 1903.
1497	Sec. 1, ch. 203, 1899.
1498	Sec. 1, ch. 408, 1901.
1498 <i>a</i>	Sec. 1, ch. 312, 1899, Sec. 1, ch. 358, 1901; sec. 2, ch. 408, 1901; sec. 1, ch. 325, 1903.
1498 <i>b</i>	Sec. 2, ch. 312, 1899; sec. 2, ch. 408, 1901.
1498 <i>h</i>	Sec. 5, ch. 312, 1899.
1498 <i>i</i>	Sec. 26, ch. 358, 1901; sec. 1, ch. 325, 1903.
1498 <i>k</i>	Sec. 6, ch. 312, 1899.
1498 <i>l</i>	Sec. 7, ch. 312, 1899.
1498 <i>m</i>	Sec. 21, ch. 358, 1901; sec. 1, ch. 325, 1903.
1984 <i>p</i>	Sec. 1, ch. 325, 1903.
1498 <i>o</i> -6	Sec. 7, 312, 1899.
1498 <i>o</i> -10	Sec. 9, ch. 312, 1899.
1498 <i>p</i>	Sec. 10, ch. 312, 1899; sec. 3, ch. 358, 1901.
1498 <i>q</i>	Sec. 11, ch. 312, 1899.
1498 <i>r</i>	Sec. 12, ch. 312, 1899.
1498 <i>s</i>	Sec. 13, ch. 312, 1899.
1498 <i>t</i>	Sec. 15, ch. 312, 1899.

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Sections of Statutes.	Amending Laws.
1498 <i>u</i>	Repealed, sec. 16, chap. 312, 1899.
1512	Sec. 1, ch. 319, 1903
1517	Sec. 1, ch. 293, 1901.
1520	Sec. 1, ch. 56, 1901.
1529 <i>a</i>	Sec. 1, ch. 304, 1899; sec. 1, ch. 321, 1903.
1529 <i>b</i>	Sec. 1, ch. 333, 1903.
1529 <i>c</i>	Sec. 1, ch. 231, 1899.
1529 <i>d</i>	Sec. 1, ch. 34, 1903.
1529 <i>f</i>	Sec. 1, ch. 135, 1899.
1529 <i>g</i>	Sec. 1, ch. 240, 1901.
1543	Sec. 1, ch. 352, 1901.
1546	Sec. 1, ch. 91, 1899.
1547	Sec. 1, ch. 385, 1901.
1548	Sec. 1, ch. 116, 1899.
1551	Sec. 1, ch. 194, 1899; sec. 1, ch. 113, 1901; sec. 1, ch. 440, 1903.
1557	Sec. 1, ch. 141, 1903.
1562	Sec. 23, ch. 351, 1899.
1570	Sec. 1, ch. 341, 1901.
1572	Sec. 2, ch. 341, 1901.
1574	Sec. 3, ch. 341, 1901; sec. 1, ch. 393, 1903.
1575	Sec. 4, ch. 341, 1901.
1576	Sec. 1, ch. 52, 1899; sec. 24, ch. 351, 1899; sec. 5, ch. 341, 1901.
1584 <i>e</i>	Sec. 6, ch. 341, 1901.
1584 <i>f</i>	Sec. 7, ch. 341, 1901.
1584 <i>i</i>	Sec. 8, ch. 341, 1901.
1598	Sec. 1, ch. 413, 1901.
1619	Ch. 323, 1903.
1626	Sec. 1, ch. 311, 1901.
1636 <i>b</i>	Sec. 6, ch. 258, 1899; sec. 8, ch. 432, 1901; sec. 3, ch. 450, 1903.
1636 <i>c</i>	Sec. 1, ch. 353, 1899; sec. 4, ch. 450, 1903.
1536 <i>d</i>	Sec. 5, ch. 450, 1903.
1636 <i>e</i>	Sec. 9, ch. 432, 1901.
1636 <i>er</i>	Created, sec. 25, ch. 351, 1899; repealed, sec. 6, ch. 349, 1901.
1636 <i>f</i>	Repealed, sec. 6, ch. 349, 1901.
1636 <i>g</i>	Sec. 26, ch. 351, 1899; repealed, sec. 6, ch. 349, 1901.
1636 <i>h</i>	Repealed, sec. 6, ch. 349, 1901.
1636 <i>i</i>	
1665	Sec. 1, ch. 282, 1899. sec. 1, ch. 111, 1901.
1668	Sec. 1, ch. 334, 1899.
1675	
1675—1 to 23	
1675—50 to 55	
1676	
1676—1 to 29	Created, sec. 1, ch. 356, 1899. (Negotiable Instrument Law.)
1677	
1677—1 to 9	
1678	
1678—1 to 48	

STATUTES OF 1893, AMENDED BY LAWS OF 1899-1901-1903.

Sections of Statutes.	Amending Laws.
1679	
1676—1 to 6	
1680	
1680 <i>a</i> to <i>p</i>	
1681	Created, sec. 1, ch. 356, 1899. (Negotiable Instrument Law.)
1681—1 to 40	
1682	
1683	
1684	
1684—1 to 6	
1675	
1676	
1677	
1678	
1679	Repealed, sec. 2, ch. 356, 1899. (Negotiable Instrument Law.)
1680	
1681	
1682	
1683	
1691	
1693 <i>c</i>	
1693 <i>d</i>	New sections, sec. 1, ch. 207, 1901.
1691	Sec. 1, ch. 98, 1899.
1729 <i>a</i>	Sec. 1, ch. 47, 1901.
1737	Sec. 1, ch. 451, 1901.
1743	Sec. 1, ch. 421, 1903.
1747 <i>dd</i>	New section, sec. 1, ch. 140, 1901.
1748—7	Sec. 1, ch. 12, 1903.
1753	Sec. 1, ch. 193, 1899.
1759 <i>a</i>	Sec. 1, ch. 109, 1903.
1770 <i>b</i>	Sec. 27, ch. 351, 1899; sec. 1, ch. 399, 1901; sec. 1, ch. 434, 1901.
1770 <i>c</i>	New section, sec. 2, ch. 399, 1901.
1770 <i>d</i>	New section, sec. 3, ch. 399, 1901.
1770 <i>e</i>	New section, sec. 4, ch. 399, 1901.
1772—7	Sec. 1, ch. 238, 1901.
1774	Sec. 2, ch. 238, 1901.
1775 <i>b</i>	Sec. 1, ch. 46, 1899; repealed, sec. 1, ch. 190, 1903.
1776 <i>a</i>	New section, sec. 1, ch. 100, 1899.
1778	Ch. 319, 1901.
1785	Sec. 28, ch. 351, 1899.
1786	Sec. 29, ch. 351, 1899.
1788	Sec. 1, ch. 193, 1899.
1795	Sec. 3, ch. 303, 1899.
1797	Sec. 1, ch. 321, 1899.
1796 <i>a</i>	
1796 <i>b</i>	
1796 <i>c</i>	
1796 <i>d</i>	Sec. 1, ch. 431, 1903.
1796 <i>e</i>	
1796 <i>f</i>	
1796 <i>g</i>	

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Sections of Statutes.	Amending Laws.
1800	Sec. 1, ch. 368, 1903.
1816 - 2	Sec. 1, ch. 448, 1903.
1816 ^b	Sec. 1, ch. 307, 1899.
1826	Sec. 2, ch. 461, 1901.
1832	Sec. 1, ch. 49, 1903.
1833	Sec. 1, ch. 191, 1899.
1857	Sec. 1, ch. 370, 1903.
1863	Sec. 1, ch. 425, 1901.
1863 ^a	Sec. 1, ch. 306, 1899; sec. 1, ch. 465, 1901.
1924	Sec. 1, ch. 144, 1901.
1925	Sec. 2, ch. 144, 1901.
1926	Sec. 1, ch. 32, 1899.
1927	Sec. 1, ch. 202, 1901.
1928	Sec. 1, ch. 81, 1901.
1929	Sec. 1, ch. 168, 1899.
1931	Sec. 1, ch. 352, 1903.
1937	Sec. 1, ch. 169, 1899.
1941-1	Ch. 217, 1903.
1941 ^a	Ch. 140, 1903.
9941-5	Sec. 1, ch. 69, 1901; sec. 1, ch. 93, 1903.
1941-7	Sec. 1, ch. 25, 1899.
1941-13	Sec. 1, ch. 98, 1903.
1941-14	Sec. 1, ch. 247, 1903.
1941-15	Sec. 1, ch. 247, 1903.
1941-16	Sec. 1, ch. 247, 1903.
1941-24	Sec. 1, ch. 205, 1903.
1941-26	Sec. 2, ch. 205, 1903.
1941-27	Sec. 1, ch. 27, 1899.
1941-46	Sec. 1, ch. 316, 1899.
1945 ^c	Sec. 1, ch. 227, 1901.
1947	Sec. 1, ch. 214, 1903.
1951	Sec. 1, ch. 22, 1901; sec. 1, ch. 6, 1903.
1954-8	Sec. 1, ch. 237, 1903.
1955 ^c	Sec. 1, ch. 442, 1901.
1955 ^e	Sec. 1, ch. 101, 1899.
1956	
1957	
1958	
1959	
1960	
1961	Repealed, sec. 1, ch. 105, 1899. (Formation of hail insurance corporations.)
1962	
1963	
1964	
1985	
1966	
1966-36	Sec. 20, ch. 351, 1899.
1966-38	Sec. 1, ch. 436, 1903.
1971	Sec. 1, ch. 192, 1899.
1972 ^b -4	Sec. 1, ch. 233, 1901.
1987	Sec. 1, ch. 145, 1899.
1998 ^c	New section, ch. 198, 1903.

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Sections of Statutes.	Amending Laws.
2001-16	Sec. 1, ch. 42, 1901.
2012	Sec. 1, ch. 156, 1899.
2014-1	Sec. 2, ch. 156, 1899.
2014-10	Sec. 3, ch. 156, 1899.
2014-12	Sec. 4, ch. 156, 1899.
2020	Sec. 1, ch. 115, 1903.
2023 <i>k</i>	Sec. 1, ch. 69, 1899.
2023 <i>q</i>	Sec. 1, ch. 317, 1901.
2172 <i>a</i>	New section, ch. 264, 1903.
2196 <i>a</i>	Sec. 1, ch. 306, 1903.
2216 <i>c</i>	New section, sec. 1, ch. 28, 1901.
2236	Sec. 31, ch. 351, 1899.
2252	Sec. 1, ch. 267, 1903.
2252	Ch. 267, 1903.
2261	Sec. 1, ch. 101, 1901.
2296	Sec. 1, ch. 76, 1903.
2317 <i>b</i>	New section, sec. 1, ch. 463, 1901.
2330	Sec. 1, ch. 271, 1901.
2331	Sec. 1, ch. 32, 1903.
2331 <i>a</i>)	New section, sec. 1, ch. 30, 1901.
2331 <i>b</i>)	
2421	Sec. 1, ch. 146, 1901.
2424	Sec. 1, ch. 255, 1903.
2424	Sec. 1, ch. 226, 1903.
2424-5th	Sec. 1, ch. 13, 1901.
2424-7th	Ch. 6, 1901.
2424-8th	Sec. 1, ch. 133, 1901; sec. 1, ch. 395, 1901.
2424-12th	Sec. 1, ch. 27, 1901.
2424-15th	Sec. 1, ch. 110, 1901; sec. 1, ch. 299, 1901; ch. 255, 1903.
2424-16th	Ch. 2, 1901.
2424-17th	Sec. 1, ch. 62, 1899; sec. 1, ch. 103, 1901; ch. 221, 1903.
2424	Sec. 32, ch. 351, 1899.
2431	Sec. 1, ch. 224, 1903; sec. 1, ch. 398, 1903.
2433	Ch. 398, 1903.
2441	Sec. 2, ch. 7, 1899.
2449	Sec. 1, ch. 160, 1899.
2450	Sec. 1, ch. 49, 1899; sec. 1, ch. 131, 1901.
2454	Sec. 1, ch. 45, 1903.
2464	Sec. 1, ch. 25, 1901; sec. 1, ch. 454, 1901.
2515-2523	Ch. 49, 1901.
2533 <i>b</i>	Sec. 1, ch. 35, 1901; sec. 1, ch. 254, 1903.
2536	Sec. 1, ch. 90, 1903.
2544 <i>c</i>	Sec. 33, ch. 351, 1899.
2560	Sec. 1, ch. 93, 1901.
2561	Sec. 1, ch. 126, 1903.
2562	Sec. 2, ch. 126, 1903.
2582 <i>a</i>	Ch. 204, 1903.
2586- 2	Sec. 1, ch. 19, 1903.
2586- 3	Sec. 1, ch. 19, 1903.
2586- 6	Sec. 2, ch. 19, 1903.

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Sections of Statutes.	Amending Laws.	
2586 - 7	Ch. 84, 1903.	
2586 - 8		
2586 - 9		
2586 - 10		
2586 - 11		
2586 - 12		
2586 - 13		
2586 - 14		
2623		Sec. 3, ch. 40, 1899.
2625		Sec. 1, ch. 101, 1901.
2637 - 10	Sec. 1, ch. 190, 1903.	
2640	Sec. 1, ch. 48, 1901.	
2704 - 2	Sec. 1, ch. 159, 1903.	
2778a	New section, sec. 1, ch. 271, 1903.	
2858	Sec. 1, ch. 390, 1903.	
2869	Sec. 1, ch. 268, 1903.	
2877	Sec. 1, ch. 296, 1901.	
2878	Sec. 1, ch. 100, 1901.	
2906	Sec. 34, ch. 351, 1899.	
2932	Sec. 35, ch. 251, 1899.	
2968	Sec. 36, ch. 351, 1899.	
2983	Sec. 1, ch. 269, 1901.	
2984	Sec. 2, ch. 269, 1901.	
2984a	New section, sec. 3, ch. 269, 1901.	
3030	Sec. 37, ch. 351, 1899.	
3047	Sec. 1, ch. 63, 1899.	
3075	Sec. 1, ch. 152, 1901.	
3088	Sec. 2, ch. 152, 1901.	
3102	Sec. 1, ch. 336, 1899.	
3105	Sec. 1, ch. 280, 1903.	
3113a	New section, sec. 2, ch. 336, 1899.	
3187a	Sec. 38, ch. 351, 1899; sec. 1, ch. 121, 1901.	
3219	Sec. 1, ch. 175, 1901.	
3223	Sec. 1, ch. 129, 1901.	
3314	Sec. 1, ch. 222, 1899.	
3315a	New section, sec. 1, ch. 298, 1903.	
3342b	Sec. 39, ch. 351, 1899.	
3358 - 2	Sec. 1, ch. 26, 1901.	
3363	Sec. 1, ch. 300, 1903.	
3508a	New section, sec. 1, ch. 193, 1901.	
3526	Sec. 40, ch. 351, 1899.	
3586	Sec. 1, ch. 346, 1903.	
3594	Sec. 1, ch. 20, 1903.	
3627	Sec. 41, ch. 351, 1899.	
3659	New section, ch. 118, 1903.	
3723b	Sec. 1, ch. 280, 1901.	
3726	Sec. 1, ch. 263, 1903.	
3726 - 2	Sec. 1, ch. 267, 1901, 263, 1903.	
3727a	New section, ch. 80, 1903.	
3809	Sec. 1, ch. 24, 1901.	
3813a	Sec. 1, ch. 85, 1903.	
3821	Sec. 1, ch. 139, 1903.	
3823	Sec. 1, ch. 265, 1903.	

STATUTES OF 1898, AMENDED BY LAWS OF 1899-1901-1903.

Sections of Statutes.	Amending Laws.
3825	Sec. 1, ch. 23, 1901.
3826	Sec. 2, ch. 23, 1901.
3844	Sec. 42, ch. 351, 1899.
3845	Sec. 1, ch. 5, 1899.
3874a	New section, sec. 1, ch. 112, 1901.
3881	New paragraph, sec. 2, ch. 112, 1901.
3781-3	Sec. 1, ch. 283, 1901.
3891	Sec. 1, ch. 175, 1899.
3913	Sec. 1, ch. 46, 1901; sec. 1, ch. 146, 1903; sec. 1, ch. 412, 1903.
3919a	New section, sec. 1, ch. 185, 1899.
3930	Sec. 43, ch. 351, 1899.
3935-1	Sec. 1, ch. 76, 1901.
3940	Sec. 1, ch. 179, 1903.
3940	Sec. 2, ch. 179, 1903.
3964	Sec. 1, ch. 328, 1901.
3964	Sec. 1, ch. 257, 1903.
3966	Sec. 44, ch. 351, 1899.
3987a	New section, sec. 1, ch. 15, 1901.
4024a	New section, sec. 1, ch. 117, 1901.
4041a	New section, sec. 1, ch. 397, 1901.
4045	Sec. 1, ch. 175, 1899.
4051	Sec. 1, ch. 120, 1903.
4053	Sec. 45, ch. 351, 1899.
4069	Sec. 1, ch. 151, 1901.
4078	Sec. 1, ch. 85, 1901.
4080	Sec. 1, ch. 145, 1901.
4082	} Repealed, sec. 1, ch. 151, 1903.
4083	
4084	Sec. 2, ch. 151, 1903.
4095a	Ch. 119, 1903.
4096	Sec. 1, ch. 29, 1899; sec. 1, ch. 244, 1901.
4112	Sec. 46, ch. 351, 1899.
4119a	New section, sec. 1, ch. 14, 1901.
4136	Sec. 47, ch. 351, 1899.
4149	Sec. 48, ch. 351, 1899.
4221-5	Sec. 1, ch. 285, 1899.
4222-5	Sec. 1, ch. 307, 1899.
4269	Sec. 1, ch. 170, 1901.
4372	Sec. 1, ch. 70, 1899.
4385a	New section, sec. 1, ch. 34, 1901.
4390	Sec. 1, ch. 380, 1901.
4403	Sec. 1, ch. 240, 1899.
4409	Sec. 1, ch. 86, 1901.
4425	Sec. 1, ch. 146, 1899.
4432	Sec. 1, ch. 108, 1901.
4463a	New section, sec. 1, ch. 201, 1901.
4456a	Sec. 1, ch. 353, 1901.
4499	Sec. 1, ch. 36, 1899.
4559	Sec. 1, ch. 284, 1901.
4560	Sec. 26, ch. 312, 1899.
4560a	Sec. 1, ch. 437, 1903.
4560b	Sec. 1, ch. 311, 1899; sec. 8, ch. 437, 1903.
4560c	Sec. 2, ch. 311, 1899; sec. 5, ch. 437, 1903.

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Sections of Statutes.	Amending Laws.
4500 <i>d</i>	Sec. 3, ch. 311, 1899; sec. 7, ch. 358, 1901; sec. 1, ch. 325, 1903; sec. 13, ch. 437, 1903.
560 <i>g</i>	Sec. 5, ch. 311, 1899; sec. 1, ch. 53, 1901; sec. 16, ch. 437, 1903.
4560 <i>j</i>	Sec. 7, ch. 311, 1899; sec. 25, ch. 353, 1901; sec. 1, ch. 325, 1903; sec. 18, ch. 437, 1903.
4561 <i>a</i>	Sec. 8, ch. 358, 1901; sec. 1, ch. 325, 1903.
4561 <i>e</i>	Sec. 8, ch. 311, 1899.
4562 <i>a</i>	Sec. 30 <i>a</i> , ch. 312, 1899.
4562 <i>d</i>	Sec. 9, ch. 311, 1899; sec. 9, ch. 358, 1901; sec. 1, ch. 325, 1903; sec. 17, ch. 437, 1903.
4562 <i>c</i>	Sec. 4, ch. 437, 1903.
4563	Sec. 1, ch. 267, 1899; sec. 2, ch. 449, 1903.
4563 <i>b</i>	Sec. 12, ch. 358, 1901; sec. 1, ch. 325, 1903; sec. 9, ch. 437, 1903.
4564	Sec. 10, ch. 358, 1901; sec. 1, ch. 325, 1903; sec. 10, ch. 437, 1903.
4565	Sec. 10, ch. 311, 1899.
4565 <i>c</i>	Sec. 11, ch. 358, 1901; sec. 11, ch. 437, 1903.
4565 <i>d</i>	Sec. 11, ch. 311, 1899; sec. 20, ch. 358, 1901; sec. 1, ch. 325, 1903; sec. 13, ch. 437, 1903.
4565 <i>e</i>	Sec. 12, ch. 311, 1899.
4565 <i>f</i>	New section, sec. 12, ch. 311, 1899.
4566	Sec. 13, ch. 311, 1899.
4567	Sec. 19, ch. 358, 1901; sec. 1, ch. 325, 1903.
4567 <i>a</i>	Sec. 18, ch. 358, 1901; sec. 1, ch. 325, 1903.
4580	Sec. 1, ch. 99, 1899.
4588	Sec. 1, ch. 80, 1901.
4590	Sec. 1, ch. 123, 1899; sec. 1, ch. 256, 1901.
4601	Sec. 1, ch. 133, 1903.
4601 <i>d</i>	New section, sec. 1, ch. 335, 1901.
4607 <i>c</i>	Sec. 1, ch. 151, 1901.
4603 <i>a</i>	Sec. 1, ch. 401, 1901.
4713	Sec. 1, ch. 273, 1903.
4733	Sec. 1, ch. 75, 1901.
4765	Sec. 1, ch. 67, 1899.
4816	Sec. 1, ch. 104, 1901.
4816 <i>a</i>	Sec. 1, ch. 114, 1901.
4890	Sec. 1, ch. 277, 1901.
4944 <i>a</i>	
4944 <i>b</i>	
4944 <i>c</i>	
4944 <i>d</i>	
4944 <i>e</i>	
4944 <i>f</i>	
4944 <i>g</i>	Sec. 1, ch. 28, 1899.
4944 <i>h</i>	
4944 <i>i</i>	
4944 <i>j</i>	
4944 <i>k</i>	
4944 <i>l</i>	
4969	Sec. 49, ch. 351, 1899.
4978 (1895)	Sec. 1, ch. 137, 1901.

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.....	1	1847	Ch. 116, 1901.
.....	50	1853	Sec. 1, ch. 296, 1903.
4	40	1855	Ch. 159, 1901.
1	40	1855	Sec. 1, ch. 220, P. & L., 1864; sec. 1, ch. 13, 1903.
2	40	1855	Sec. 2, ch. 13, 1903.
.....	180	1866	Rep. ch. 47, 1903.
1	129	1867	Sec. 1, ch. 196, 1899.
3	129	1867	Sec. 2, ch. 196, 1899.
6	129	1867	Sec. 3, ch. 196, 1899.
7	129	1867	Sec. 4, ch. 196, 1899.
8	129	1867	Sec. 5, ch. 196, 1899.
10	129	1867	Sec. 6, ch. 196, 1899.
15	207	1867	Sec. 1, ch. 178, 1901.
1	272	1870	Sec. 1, ch. 204, 1901.
20	374	1870	Sec. 1, ch. 315, 1901.
21	374	1870	Sec. 2, ch. 315, 1901.
2	249	1875	Ch. 249, 1875; ch. 16, 1876; sec. 1, ch. 278, 1903.
.....	106	1876	Repealed, sec. 1, ch. 11, 1901.
.....	185	1876	Repealed, sec. 1, ch. 30, 1899.
1	249	1880	Sec. 1, ch. 40, 1903.
.....	32	1882	Ch. 393, 1877; ch. 78, 1891; ch. 102, 1897; sec. 1, ch. 395, 1903.
.....	224	1882	Repealed, ch. 25, 1903.
.....	235	1883	Ch. 47, 1903.
.....	40	1883	Sec. 1, ch. 9, 1890.
.....	75	1885	Repealed, ch. 177, 1901.
1	122	1885	Sec. 1, ch. 204, 1901.
5	125	1887	Sec. 1, ch. 23, 1889.
6	125	1887	Sec. 1, ch. 109, 1899.
.....	154	1887	Repealed, ch. 177, 1901.
1	351	1887	Sec. 1, ch. 340, 1899.
2	61	1889	Sec. 1, ch. 219, 1899.
4	181	1889	Sec. 1, ch. 217, 1899.
9	96	1891	Ch. 278, 1891; sec. 1, ch. 171, 1903.
10	96	1891	Sec. 2, ch. 171, 1903.
15	96	1891	Sec. 3, ch. 171, 1903.
7a	96	1891	New section, sec. 4, ch. 171, 1903.
1	99	1891	Ch. 45, 1897; sec. 1, ch. 1, 1899; sec. 1, ch. 103, 1903.
9	99	1891	Sec. 2, ch. 1, 1899.
.....	186	1891	Repealed, sec. 5, ch. 177, 1899.
1	357	1891	Sec. 1, ch. 48, 1903.
2	33	1893	Sec. 1, ch. 88, 1901.
2a	33	1893	Created, sec. 1, ch. 188, 1903.
4	33	1893	Sec. 1, ch. 108, 1899.
7	33	1893	Sec. 1, ch. 188, 1899.
8	33	1893	Ch. 301, 1893; sec. 1, ch. 117, 1903.
8a	33	1893	New section, sec. 2, ch. 117, 1903.
13	33	1893	Sec. 2, ch. 188, 1899.
.....	96	1893	Repealed and new section, sub. sec. 1, ch. 155, 1903.
4	112	1893	Sec. 1, ch. 261, 1897; sec. 1, ch. 291, 1903.
8	241	1893	Sec. 1, ch. 64, 1899.
13	241	1893	Sec. 1, ch. 12, 1901.
5	17	1895	Sec. 1, ch. 193, 1903.

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Section.	Chapter.	Year.	Amending Law.
7	17	1895	Sec. 2, ch. 193, 1903.
8	17	1895	Sec. 3, ch. 193, 1903.
11	17	1895	Sec. 4, ch. 193, 1903.
14	22	1895	Sec. 13, ch. 91, 1897; sec. 1, ch. 162, 1903.
1	24	1895	Sec. 1, ch. 389, 1903.
9	24	1895	Sec. 2, 389, 1903.
1	134	1895	Ch. 294, 1901.
1	309	1895	Sec. 1, ch. 436, 1901.
.....	334	1895	Sec. 14, ch. 414, 1903.
.....	334	1895	Repealed, sec. 15, ch. 310, 1899.
2	368	1895	Sec. 1, ch. 266, 1901.
.....	375	1895	Sec. 1, ch. 71, 1899.
.....	38	1897	Repealed, ch. 136, 1501. (Repealed by statute of 1899.)
1	44	1897	Sec. 1, ch. 115, 1901.
3	72	1897	Sec. 1, ch. 117, 1899.
4	72	1897	Sec. 2, ch. 117, 1899.
5a	72	1897	Sec. 3, ch. 117, 1899.
7	72	1897	Sec. 4, ch. 117, 1899.
10	72	1897	Sec. 5, ch. 117, 1899.
13	72	1897	Sec. 6, ch. 117, 1899.
17	72	1897	Sec. 7, ch. 117, 1899.
18	72	1897	Repealed, sec. 8, ch. 117, 1899.
18a	72	1897	Created, sec. 9, ch. 117, 1899.
18b	72	1897	Created, sec. 10, ch. 117, 1899.
1	128	1897	Sec. 1, ch. 105, 1901.
2	129	1897	Sec. 1, ch. 8, 1899.
4	129	1897	Sec. 1, ch. 13, 1899.
9	129	1897	Sec. 1, ch. 64, 1901.
1	145	1897	Sec. 1, ch. 114, 1903.
1	355	1897	Sec. 1, ch. 366, 1903.
.....	163	1897	Repealed, sec. 1, ch. 255, 1899.
9	186	1897	Sec. 1, ch. 357, 2901.
10	186	1897	Sec. 2, ch. 357, 1903.
16	186	1897	Sec. 1, ch. 58, 1899; sec. 1, ch. 130, 1901.
17	186	1897	Sec. 2, ch. 58, 1899; sec. 3, ch. 357, 1901.
3	211	1897	Sec. 1, ch. 122, 1901.
.....	264	1897	Sec. 1, ch. 87, 1899.
1	322	1897	Sec. 1, ch. 172, 1901.
2	322	1897	Sec. 2, ch. 172, 1901.
3	322	1897	Created, sec. 3, ch. 172, 1901.
.....	352	1897	Repealed, ch. 59, 1901.
1	355	1897	Ch. 366, 1903.
2	367	1897	Sec. 1, ch. 345, 1899.
6	367	1897	Sec. 2, ch. 345, 1899; sec. 1, ch. 458, 1901.
5	377	1897	Repealed, sec. 4, ch. 2, 1899.
1	29	1899	Sec. 1, ch. 244, 1901.
3	34	1899	Sec. 1, ch. 106, 1901.
4	34		
5	34		
6	34		
7	34	1899	New sections, sec. 1, ch. 106, 1901.
8	34		
9	34		

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Section.	Chapter.	Year.	Amending Law.
.....	46	1899	Repealed, ch. 190, 1903.
1	45	1899	Sec. 1, ch. 311, 1901.
1	49	1899	Sec. 1, ch. 134, 1901.
1	58	1899	Sec. 1, ch. 130, 1901.
2	58	1899	Sec. 3, ch. 357, 1901.
1	62	1899	Sec. 3, ch. 103, 1901.
1	72	1899	Sec. 1, ch. 103, 1901; sec. 1, ch. 221, 1903.
.....	74	1899	Sec. 1, ch. 260, 1899.
1	81	1899	Sec. 1, ch. 387, 1901.
1	90	1899	Sec. 1, ch. 62, 1901.
.....	95	1899	Sec. 1, ch. 292, 1903.
.....	392	1901	
3	111	1899	Sec. 1, ch. 35, 1903.
3	112	1899	Sec. 2, ch. 35, 1903.
3	113	1899	Sec. 3, ch. 35, 1903.
4	113	1899	Sec. 1, ch. 149, 1899.
3	114	1899	Sec. 4, ch. 35, 1903.
1	114	1899	Sec. 1, ch. 277, 1899.
3	114	1899	Sec. 4, ch. 35, 1903.
4	119	1899	Sec. 1, ch. 272, 1903.
1	128	1899	Sec. 1, ch. 256, 1901.
2	129	1899	Sec. 1, ch. 123, 1901.
1	139	1899	Sec. 1, ch. 265, 1901.
.....	151	1899	Repealed, sec. 2, ch. 217, 1901.
1	155	1899	Sec. 1, ch. 57, 1901.
.....	161	1899	Sec. 1, ch. 238, 1899.
2	170	1899	Sec. 1, ch. 370, 1901.
1	179	1899	Sec. 1, ch. 371, 1901.
1	194	1899	Sec. 1, ch. 113, 1901.
1	197	1899	Sec. 1, ch. 424, 1903.
.....	200	1899	Repealed, sec. 74, ch. 228, 1901.
3a	206	1899	New section, sec. 1, ch. 220, 1901.
7	206	1899	Sec. 1, ch. 322, 1899.
9	206	1899	Sec. 2, ch. 220, 1901.
1	216	1899	Sec. 1, ch. 374, 1903.
5	218	1899	Sec. 1, ch. 70, 1901; sec. 1, ch. 124, 1901; sec. 1, ch. 388, 1903.
7	218	1899	Sec. 2, ch. 70, 1901.
13	218	1899	Sec. 1, ch. 363, 1901.
17	218	1899	Sec. 1, ch. 299, 1903.
.....	232	1899	Repealed, sec. 8, ch. 239, 1901.
1	239	1899	Sec. 1, ch. 372, 1903.
1	251	1899	Sec. 1, ch. 107, 1901, sec. 1, 73, 1901.
.....	258	1899	Repealed, sec. 1, ch. 432, 1901.
1	259	1899	Sec. 1, ch. 321, 1903.
1	260	1899	Ch. 166, 1901.
1	261	1899	Sec. 1, ch. 167, 1901.
4	264	1899	Sec. 2, ch. 167, 1901.
9	264	1899	Sec. 3, ch. 167, 1901.
10	264	1899	Sec. 4, ch. 167, 1901.
1	265	1899	Sec. 1, ch. 176, 1901.
4	265	1899	Sec. 2, ch. 176, 1901.
10	265	1899	Sec. 3, ch. 176, 1901.
5	268	1899	Sec. 1, ch. 373, 1901.

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Sec- tion.	Chap- ter.	Year.	Amending Law.
1	270	1899	Sec. 1, ch. 448, 1901.
7a	270	1899	New section, sec. 1, ch. 221, 1901.
.....	274	1899	Ch. 182, 1901, sec. 1, ch. 349, 1903.
1	274	1899	Sec. 1, ch. 182, 1901.
2	274	1899	Sec. 2, ch. 182, 1901, ch. 349, 1903.
6	274	1899	Sec. 3, ch. 182, 1901.
1	283	1899	Sec. 1, ch. 263, 1901.
6	286	1899	Sec. 1, ch. 121, 1903.
7	286	1899	Sec. 2, ch. 121, 1903, ch. 330, 1903.
15	286	1899	Sec. 3, ch. 121, 1903.
16a	286	1899	New section, sec. 4, ch. 121, 1903.
1	290	1899	Sec. 5, ch. 418, 1901; sec. 1, ch. 419, 1901.
3	296	1899	Sec. 1, ch. 61, 1903.
1	297	1899	Sec. 1, ch. 282, 1903.
2	300	1899	Sec. 1, ch. 342, 1899.
7	301	1899	Sec. 1, ch. 305, 1903.
1	306	1899	Sec. 1, ch. 465, 1901.
2	308	1899	Repealed, sec. 2, ch. 417, 1901.
3	311	1899	Sec. 7, ch. 358, 1901.
4	311	1899	Sec. 6, ch. 437, 1903.
5	311	1899	Sec. 1, ch. 53, 1901.
6	311	1899	Sec. 1, ch. 307, 1901; repealed, sec. 3, ch. 437, 1903.
7	311	1899	Sec. 25, ch. 358, 1901.
9	311	1899	Sec. 9, ch. 358, 1901.
14	311	1899	Sec. 14, ch. 358, 1901; sec. 25, ch. 437, 1903.
15	311	1899	Repealed, sec. 1, ch. 407, 1901.
1	312	1899	Sec. 1, ch. 358, 1901.
3	312	1899	Sec. 3, ch. 408, 1901.
4	312	1899	Sec. 2, ch. 358, 1901.
10	312	1899	Sec. 3, ch. 358, 1901.
14	312	1899	Sec. 5, ch. 358, 1901.
14a	312	1899	Sec. 4, ch. 358, 1901.
18	312	1899	Sec. 13, ch. 358, 1901.
19	312	1899	Sec. 16, ch. 358, 1901.
20	312	1899	Sec. 17, ch. 358, 1901.
1	317	1899	Sec. 1, ch. 205, 1901.
.....	319	1899	Repealed, ch. 78, 1903.
1	323	1899	Sec. 1, ch. 382, 1901.
1	327	1899	Sec. 1, ch. 77, 1901.
2	335	1899	Sec. 1, ch. 574, 1901.
.....	339	1899	Sec. 1, ch. 445, 1903.
.....	341	1899	Sec. 1, ch. 382, 1903.
2	345	1899	Sec. 1, ch. 458, 1901.
1	348	1899	Sec. 1, ch. 143, 1901.
2	348	1899	Sec. 2, ch. 143, 1901.
3	348	1899	Sec. 3, ch. 143, 1901.
4	348	1899	Sec. 4, ch. 143, 1901.
1	349	1899	Sec. 2, ch. 457, 1901.
2	349	1899	Sec. 3, ch. 457, 1901.
3	349	1899	Sec. 4, ch. 457, 1901.
.....	354	1899	Sec. 1, ch. 197, 1903.
1	355	1899	Sec. 1, ch. 245, 1901.
2	355	1899	Sec. 2, ch. 245, 1901.
4	355	1899	Sec. 3, ch. 245, 1901.

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Section.	Chapter.	Year.	Amending Law.
5	355	1899	Sec. 4, ch. 245, 1901.
6	355	1899	Sec. 5, ch. 245, 1901.
11	355	1899	Sec. 6, ch. 245, 1901.
13	355	1899	Sec. 7, ch. 245, 1901.
19	355	1899	Sec. 8, ch. 245, 1901.
1681-9	356	1899	Sec. 1, ch. 41, 1901.
2	356	1899	Sec. 1, ch. 361, 1901.
.....	9	1901	Sec. 1, ch. 276, 1903.
.....	19	1901	Sec. 1, ch. 276, 1903.
1	22	1901	Sec. 1, ch. 6, 1903.
1	25	1901	Sec. 1, ch. 451, 1901.
4	43	1901	Sec. 1, ch. 192, 1903.
.....	74	1901	Ch. 312, 1903.
.....	87	1901	Repealed sec. 1, ch. 324, 1901.
1	90	1901	Sec. 1, ch. 97, 1903, ch. 359, 1903.
2	90	1901	Sec. 2, ch. 97, 1903.
4	90	1901	Sec. 3, ch. 97, 1903.
6	90	1901	Sec. 4, ch. 97, 1903.
8	90	1901	Sec. 5, ch. 97, 1903.
9	90	1901	Sec. 6, ch. 97, 1903.
10a	90	1901	New sec. 7, ch. 97, 1903.
.....	90	1901	Sec. 1, ch. 359, 1903.
1	110	1901	Sec. 1, ch. 299, 1901.
.....	110	1901	Sec. 1, ch. 255, 1903.
2	112	1901	Sec. 1, ch. 283, 1901.
5	125	1901	Sec. 1, ch. 200, 1903.
2	138	1901	Sec. 1, ch. 414, 1901.
.....	168	1901	Sec. 1, ch. 238, 1903.
1	185	1901	Sec. 1, ch. 220, 1903.
1	188	1901	Sec. 1, ch. 329, 1903.
1	197	1901	Sec. 1, ch. 447, 1901.
2	228	1901	Sec. 1, ch. 240, 1903.
17	228	1901	Sec. 2, ch. 240, 1903.
26	228	1901	Sec. 3, ch. 240, 1903.
59	228	1901	Sec. 4, ch. 240, 1903.
62	228	1901	Sec. 5, ch. 240, 1903.
71a	228	1901	New sec. 6, ch. 240, 1903.
1	229	1901	Sec. 1, ch. 453, 1901.
.....	267	1901	Sec. 1, ch. 263, 1903.
1	268	1901	Sec. 1, ch. 438, 1903.
2	268	1901	Sec. 2, ch. 438, 1903.
3	268	1901	Sec. 3, ch. 439, 1903.
10	288	1901	Sec. 1, ch. 143, 1903.
2	292	1901	Repealed sec. 112, 1903
4	295	1901	Sec. 1, ch. 456, 1901.
8	295	1901	Sec. 1, ch. 456, 1901.
1	297	1901	Sec. 1, ch. 318, 1903.
.....	299	1901	Sec. 1, ch. 255, 1903.
.....	320	1901	Sec. 1, ch. 259, 1903.
.....	337	1901	Sec. 1, ch. 290, 1903.
1	347	1901	Sec. 1, ch. 69, 1903.
15	358	1901	Sec. 24, ch. 437, 1903.
22	358	1901	Sec. 20, ch. 437, 1903.

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Section.	Chapter.	Year.	Amending Law.
24	358	1901	Sec. 12, ch. 437, 1903.
4	360	1901	Sec. 1, ch. 196, 1903.
5	373	1901	Sec. 1, ch. 338, 1903.
2	381	1901	Sec. 1, ch. 199, 1903.
2	393	1901	Sec. 1, ch. 320, 1903.
3	405	1901	Sec. 1, ch. 383, 1903.
1	408	1901	Sec. 1, ch. 410, 1903.
1	412	1901	Sec. 1, ch. 4, 1903.
1	415	1901	Sec. 1, ch. 71, 1903.
.....	420	1901	Repealed sec. 12, ch. 534, 1903.
.....	435	1901	Repealed sec. 15, ch. 437, 1903.
2-9	439	1901	Sec. 1, ch. 285, 1903.
1	439	1901	Sec. 1, ch. 5, 1903.
3	440	1901	Sec. 1, ch. 22, 1903.
1	443	1901	Sec. 1, ch. 28, 1903.
3	445	1901	Sec. 1, ch. 316, 1903.
4	445	1901	Sec. 2, ch. 316, 1903.
.....	470	1901	Repealed ch. 11, 1903.
2	121	1903	Sec. 1, ch. 330, 1903.
.....	1	1903	Sec. 1, ch. 446, 1903.
1-4	44	1903	Sec. 1, ch. 249, 1903.
13	44	1903	Sec. 1, ch. 249, 1903.
1	130	1903	Sec. 1, ch. 413, 1903.
3	8	1903	Sec. 1, ch. 29, 1903.

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- state printer to deliver copies of reports, documents, circulars, etc., to, sec. 373d, ch. 168, 1901; sec. 1, ch. 238, 1903.
- to deliver and distribute state publications to libraries, sec. 373e, ch. 168, 1901; sec. 1, ch. 238, 1903.
- to maintain in capitol a working library, sec. 373f, ch. 168, 1901; sec. 1, ch. 238, 1903.
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